the weekly
Standard

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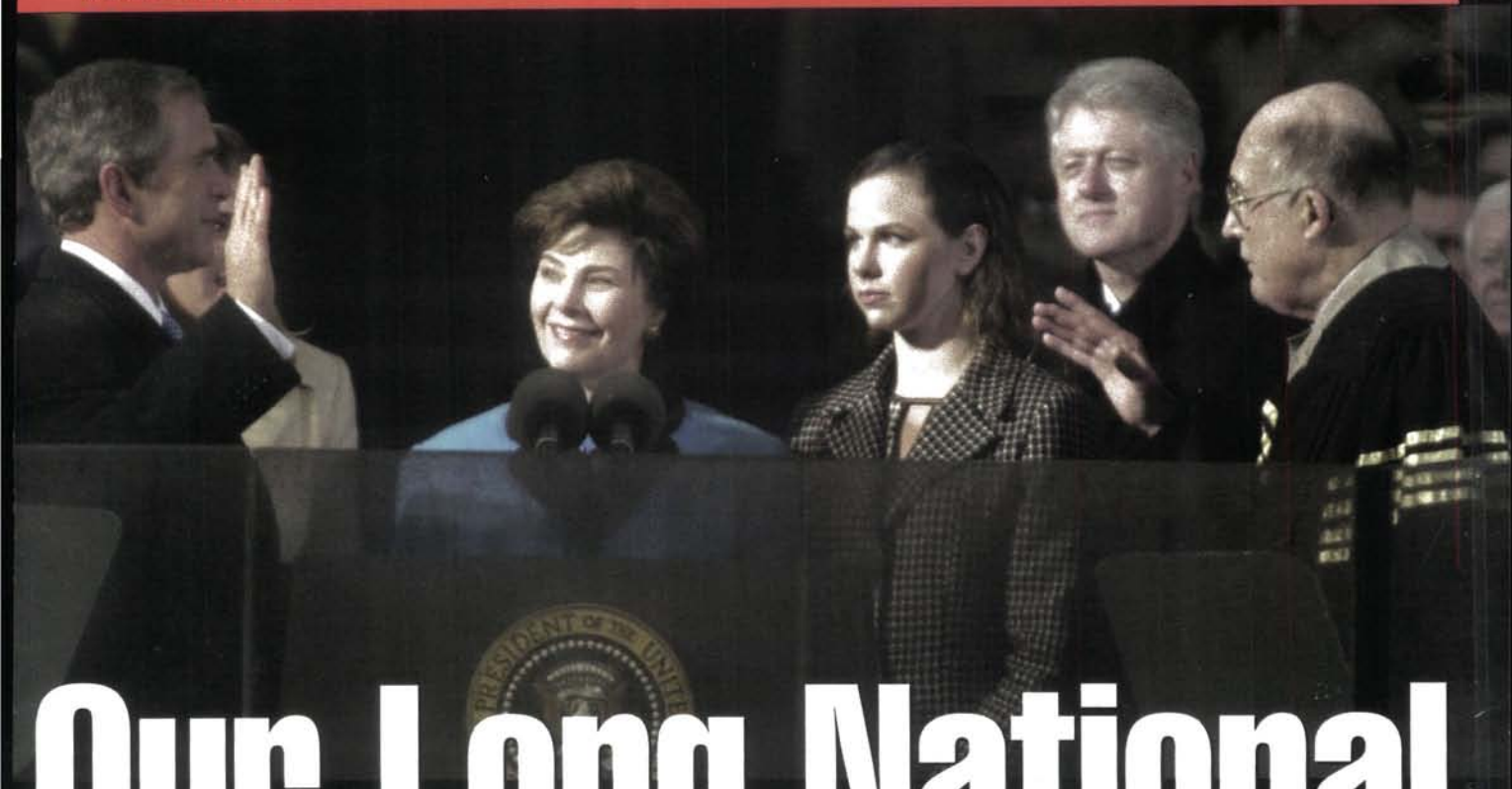
HUT! HUT! HOLLYWOOD
BRIAN MURRAY



Our Long National Nightmare Is Over

Enter Bush…Exit Clinton

Fred Barnes • Christopher Caldwell • David Frum
Michael S. Greve • William Kristol • Matt Labash • David Tell

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President Bush, we congratulate you on your Inauguration.

And we welcome your Administration's strong statements against unfair trade practices.

"As President, I will safeguard American markets against unfair practices like dumping. And I will also ensure that the rules we negotiate are enforced."

—President George W. Bush
from a trade policy speech
May 17, 2000, Everett, WA

"If our trading partners violate our trading laws, we will respond swiftly and firmly...[and] vigorously enforce anti-dumping, countervailing duties and other American laws to combat trade practices, including illegal foreign subsidies."

—Vice President Dick Cheney
at Weirton Steel plant
October 26, 2000, Weirton, WV

"I am disturbed when I hear that our laws are not being enforced. I am disturbed when I hear that our trade agreements are not being complied with....[W]hat I will pledge to you, as I look at...the implications of steel imports...is that compliance is going to be an absolute with me."

—Commerce Secretary-Designate Don Evans
during Senate confirmation hearing
January 4, 2001, Washington, DC

A foreign campaign to illegally dump steel into our market has been devastating America's steel industry. Since this crisis began two years ago, more than 15,000 steelworkers have lost their jobs and the number is rising. Nine U.S. steel companies are in bankruptcy. More than half the industry faces financial trouble or insolvency. The market value of all major U.S. steel companies declined by nearly 50% last year.

A new Administration is a time of new beginnings. We look forward to working with you on immediate action to end the steel crisis, which is ruining an essential American industry and destroying thousands of family-supportive jobs.

AMERICAN STEEL IS AMERICA'S STRENGTH

Paid for by STAND UP FOR STEEL, a coalition of America's leading steel companies and the hardworking men and women of the United Steelworkers of America.

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the weekly Standard

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Are Liberals Illiterate?

Liberal organizations lobbying the Senate against John Ashcroft's confirmation as attorney general fixed on an interview the nominee gave in 1998 to *Southern Partisan*, a magazine of unabashed Confederate irredentism. We thought it worth reading the interview in the unabridged original, just to make sure the quotations from it cited by People for the American Way—and routinely reprinted in the mainstream media—are fair and accurate. Ashcroft is supposed to have praised the magazine for "defending Southern patriots like Lee, Jackson, and Davis" against the "malicious attacks" of "revisionists" who claim that slavery was a "perverted agenda." Can this really be true?

Nope. Here's the actual passage in which the above-quoted words appear:

ASHCROFT: Revisionism is a threat to the respect that Americans have for their freedoms and the liberty that was at the core of those who founded this country, and when we see George Washington, the founder of our country, called a racist, that is just total revisionist nonsense, a diatribe against the values of America. Have you read Thomas West's book, *Vindicating the Founders*?

INTERVIEWER: I've met Professor West, and I read one of his earlier books, but not that one.

ASHCROFT: I wish I had another copy: I'd send it to you. I gave it away to a newspaper editor. West virtually disassembles all of these malicious attacks the revisionists have brought against our Founders. Your magazine also helps set the record straight. You've got a heritage of doing that, of defending Southern patriots like Lee, Jackson, and Davis. Traditionalists must do more. I've got to do more. We've all got to stand up and speak in this respect, or else we'll be taught that these people were giving their lives, subscribing their sacred fortunes and their honor to some perverted agenda.

So it turns out John Ashcroft defended not the pro-slavery views of Civil War-era Confederate leaders but the anti-slavery views of the nation's Revolutionary War-era Founders. Ashcroft's "controversial" mention of Lee, Jackson, and Davis seems simply a polite aside to his interviewer. And an insincere one, to boot. For three sentences later, Ashcroft makes clear that he, too, believes slavery a "perverted agenda" from which the honor of the American founding can and must be rescued. There can't be any serious question about it: "These people" are the Founders, which is why Ashcroft explicitly refers to the Declaration's final words. And slavery, in the view of our next attorney general, is indeed a "perverted agenda."

We find a sliver of comedy in the fact that Ashcroft should have been smeared as a crypto-racist on the basis of his conversation about Thomas West's fine book *Vindicating the Founders*. There's nothing at all funny about the smear itself, however. ♦

Law Professor Bites Dog

A Jan. 3 AP wire story by reporter Hope Yen analyzed how President Bush might fill eight vacancies on federal courts in Pennsylvania. Among those vacancies are two judgeships on the Third U.S. Circuit Court of Appeals in Philadelphia. And among the experts Yen asked for predictions about that court was one Arthur Hellman of the University of Pittsburgh's law school. Hellman told Yen that Bush might be inclined to nominate D. Brooks Smith, already a federal district-court judge in western Pennsylvania: "Smith, who was nominated for the federal trial court by former president George Bush, is generally conservative, but is highly respected, Hellman said."

Hmm. First off, D. Brooks Smith was actually nominated for the federal trial court in 1988—by Ronald Reagan, not by George Bush. Ms. Yen and her editors at AP will surely want to be more careful next time.

Then there's this Hellman guy, who apparently believes there's something anomalous about being "generally conservative" and "highly respected" . . . simultaneously! Professor Hellman and the University of Pittsburgh selection committee that hired him will surely want to be more careful next time. ♦

Adolf Hitler, Patron of the Arts

In art museums throughout the world hang hundreds, maybe thousands of important paintings with mysterious gaps in their ownership histories for the years 1933 to 1945. Any number of these paintings might have been stolen from Jewish families by the Nazis during those years—and subsequently acquired by Western galleries. And an intercontinental effort to identify such paintings and return them to descendants of the owners is under way.

But not everyone is on board, it seems. During an interview published in the Jan. 4 *Ottawa Citizen*, Ian Lumsden, executive director of the Beaverbrook Art Gallery in Fredericton, New Brunswick, Canada, rather bitterly complained about the project, in fact.

For one thing, "I think the greater good of mankind might have been served inadvertently by the Nazis by virtue of the fact that, possibly, if some of these works had been left in homes in Amsterdam and God knows where, they'd have been bombed and the works might have been destroyed."

Furthermore, Lumsden went on,

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none of the paintings in question really belonged in those Jewish homes to begin with. They aren't "important pieces of Judaica," and "they don't say anything specifically about the Jewish people. . . . A painting by Pablo Picasso, how does that reflect on one's sense of identity?" What it reflects, instead, is that a bunch of "upper-middle class, bourgeoisie, central European families . . . invested rather astutely" in the early-20th-century art market. The Jews have always been good with money that way, you know.

Not so the Indian nations of Canada, according to Lumsden. What we should *really* be worrying ourselves over is "the spoliation of native works into non-native collections." The wrongs North American Indians suffered are "much more profound." And the art stolen from them has "sacred values." So: "What are we doing about getting *these* back to the rightful owners?"

Too bad Hitler didn't live long enough to invade Canada and set things straight. ♦

And Speaking of Jews

In his column last Tuesday, the *Washington Post*'s Richard Cohen vented spleen about how there aren't any Jews in President Bush's cabinet, a fact he found "dismal." And no, Cohen went on, anticipating objections, Bush's selection of Robert Zoellick to run the U.S. Trade Representative's office doesn't count—because "trade negotiator is not a cabinet post."

And also, as Cohen was forced to acknowledge in print two days later, because Zoellick isn't Jewish, either. Such a smart fellow, Bob Zoellick—and yet not a Jew! Who'd have known? ♦

Truth-Squadding the *Detroit News*

Last May, Claudia Winkler reported in these pages how Mark Silverman, publisher and editor of the *Detroit News*, had purged Thomas Bray, director of the paper's universally respected—and conservative—editorial page (see "Jackasses Release Bray," May 15, 2000). Silverman claimed it was Bray's idea, but Bray's farewell column made plain that he'd been fired. An irritated Silverman angrily denied the move was political. The *News* would remain proudly conservative, he told Winkler, and for proof "I would invite you to look at our editorial page in six months."

THE SCRAPBOOK has given Silverman not six months but eight, in fact, just to be extra-special fair. And we have now decided, in all extra-special fairness, that . . . the *Detroit News* is moving left. Last September, the editorial page abruptly turned a 180 and denounced the Whitewater investigation as a "political persecution motivated by the determination of Mr. Clinton's enemies to accomplish through the courts what they could not achieve at the ballot box." The *News* has similarly abandoned several other recognizably conservative positions: racial preferences in University of Michigan admissions (used to oppose, now supports); the state's concealed weapons law (used to support, now opposes); and so forth. We won't be trusting Mark Silverman very much in the future. ♦

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Casual

No, Speed Racer!

Like Tom Cruise, I have a need for speed. It's a primal instinct reawakened every time I get behind the wheel of a car. I may not have my Navy wings, but I pilot my compact sedan the way Chuck Yeager rode the wild blue.

With me, it's effortless—I'm one with my car, and we bond with the road in ways unknown to ordinary drivers. At certain times, when the road just seems to open up before us, I tell myself: Brakes are for sissies!

Sure, people who ride with me sometimes grip the door handle or pump that phantom brake pedal on the passenger's side, but I know they secretly admire my driving. There's just one class of killjoy that seems to think I need some help: state troopers.

One trooper recently got me where it hurts. As I was gliding through rural Virginia en route to Washington, Officer Killjoy himself clocked me at 83 miles an hour in a 65 zone.

Big deal, right? Open road, little traffic, clear night. What's 17 miles over the speed limit when you know you have the skill, not to mention the feel, the style—the artistry!—to pull it off? As the trooper approached my window, I fleetingly considered excuses—ignorance, pregnant wife, late for my Senate confirmation hearing. But I held firm. I realized I didn't need to stoop to all that. Common sense was on my side. Several drivers had passed me a ways back, and no one had pulled *them* over.

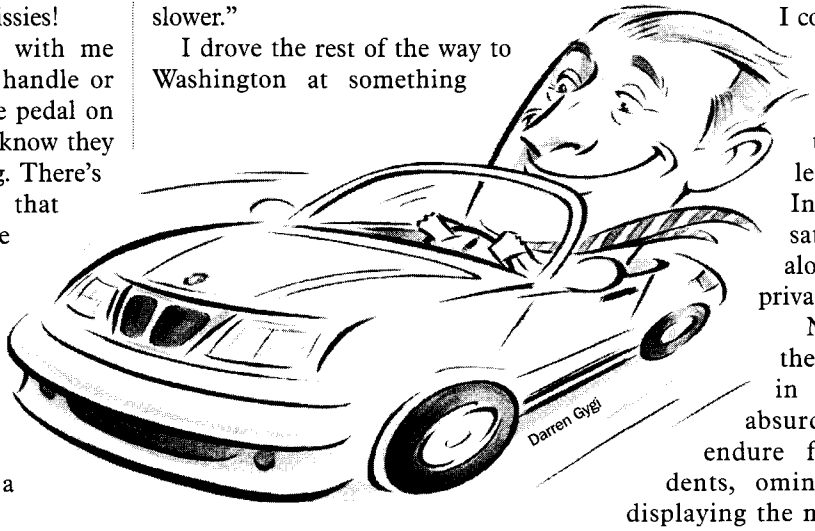
Strangely enough, some people won't listen to reason—and they usually carry guns. After barely letting me get a word out, Officer Killjoy muttered what sounded like "reckless driving" and waddled back to his car.

I knew I'd misheard.

Well, it turns out that driving at any speed over 80 mph is considered reckless driving in the (Stalinist) Commonwealth of Virginia—no matter the circumstances. I was dumbfounded. I tried to work with the officer. But old Killjoy couldn't seem to see it my way. I politely pointed out that, given the facts on the ground, he might want to write the ticket for, say, 79. His response was mechanical: "Maybe if you were going a little slower."

I drove the rest of the way to Washington at something between 55 and 65. As I went, I grew increasingly indignant at the notion that my record would have "reckless" stamped on it, no doubt prompting my insurance agent to brutally jack up my rate. It was preposterous. I had a case. I wasn't some wanton road menace finally put in his place. Sometimes bad things happen to good drivers—but superior drivers fight back.

Time only increased my resolve to see justice prevail. I'd go to court. I began to relish the thought of winning over the judge through the sheer power of my argument. Echoes of great orators began to fill my mind. Besides, maybe the officer wouldn't show up for the hearing and I'd get off.



Courthouses are sordid places. When I arrived, I saw my officer and a gaggle of his colleagues, ready to throw the book at over a hundred probably innocent citizens like me. As the proceedings unfolded, a pattern emerged: Look contrite before the judge, say you're sorry, agree to go to traffic school, and get your fine reduced.

When my turn finally came and I approached the bench, I realized my case was hopeless. The judge was only interested in technicalities. He dangled the traffic school option in front of me and, well, I leapt at it.

Still, I dreaded the thought of sitting in a room with other "reckless" drivers while an "instructor" taught us the rules of the road. I put off this humiliation as long as I could. Luckily, just in time, I found out about an outfit that offers the stipulated lessons over the Internet. I could satisfy the state all alone, in my own private Siberia.

Needless to say, the course abounded in traffic-school absurdities. I had to endure footage of accidents, ominous gravestones displaying the number of people killed in car wrecks every year, and exhortations to combat road rage by practicing "the simple process of forgiveness." Worst of all, the program's writers had worked hard to take the soul out of driving: They consistently referred to what one does behind the wheel as "the driving task."

At least it didn't take long. I completed my course and sent the requisite proof to the court. Now my driving record is clean. But my ego has suffered. I confess, I'm not the same driver I used to be. My piloting style is less Top Gun, more TWA. Some people tell me that's a good thing, but I can't quite see it their way.

Edmund Walsh

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The End of a Taboo

Thanks for Mary Eberstadt's "'Pedophilia Chic' Reconsidered" (Jan. 1/Jan. 8), in which she describes the frank acceptance of sex with minors by certain homosexual activists and scholars, and the reluctance of leaders of the homosexual rights movement to condemn it.

One point that might be added to her analysis is a source of this development. The breakdown of the distinction between adults and minors did not begin with homosexual sex. It had been pressed earlier with respect to contraception and abortion, by the Supreme Court itself. In its 1977 case *Carey* v. *Population Services International*, the Supreme Court held that a New York statute forbidding the sale or distribution of contraceptives to minors under the age of 16 was unconstitutional. And in *Planned Parenthood* v. *Casey*, the Supreme Court reaffirmed earlier holdings that minors who seek an abortion can be required to obtain the consent of a parent or guardian, if and only if there exists a judicial bypass procedure whereby "mature minors" may evade that requirement. These decisions breached the wall between adult and minor, and there are strong forces fighting any attempts to repair the breach.

The Court was (as usual) simply reflecting elite opinion, which holds that young people who are not yet adults, with the privileges and responsibilities of that status, must nonetheless be expected to engage in sex and be "protected" from its consequences. (The need for such protection—contraception and, inevitably, abortion as a fallback—trumps effective social pressure to discourage sex.) Many, in fact, hold the view that Berkeley sociologist Kristin Luker described in *Abortion and the Politics of Motherhood*: "Pro-choice people . . . have no basic objection to sexual activity among young people if they are 'responsible,' that is, if they do not take the risk of becoming parents. Because pro-choice people view the goal of sex as being the creation of intimacy, caring, and trust, they also believe that people need to practice those skills before making a long-term commitment to someone."

So, if one combines this benign view of youth sex with ideological commitment to equality for homosexuality, how is it possible to hold the line against homosexual sex with minors? All that remains, perhaps, is the effort to nail down a new age-of-majority-for-sex (14? 12?). The only antidote to these developments is a recognition of the profound seriousness of sex and its essential connection to marriage.

Christopher Wolfe
Milwaukee, WI

Mary Eberstadt says that, "Like the authors of the piece itself," I "advocated" and "echoed" the conclusions of a controversial 1998 study of after-effects of child sexual abuse. Even a very cursory reading of my August 7, 1999, *National Journal* column makes it immediately obvious to the honest reader that I was summarizing and quoting from the study, not "advocating" or (in Eberstadt's sense) "echoing" it.

Eberstadt then enters my article into evidence that "a separate option—call it anti-anti-pedophilia—appears to have taken root. According to that view, the problem is less sex with minors than the people who declare themselves against it." My article did indeed criticize some of the prominent attacks on the 1998 study, but it took issue with their veracity, not their point of view. As someone said in another context: It was about lying, not sex. This, too, is clear from even a cursory reading.

In my column (available online at *www.reason.com/rauch/99_08_07.html*), I roundly criticize those who distorted the 1998 study in order to denounce it as pro-pedophilia. It is ironic, but sad, that Eberstadt drives home my point by distorting my own column in order to denounce it as "anti-anti-pedophilia."

Jonathan Rauch
Washington, DC

As the mother of a gay teen and a national vice president of Parents, Families and Friends of Lesbians and Gays (PFLAG), I was troubled to read Mary Eberstadt's implication that PFLAG is associated in any way with the sexual exploitation of youth.

We are parents, family members, and friends of gay, lesbian, bisexual, and transgender (GLBT) youth. Like many parents, I hope my gay son waits until he is in a mature, loving, and committed relationship before engaging in sexual activity. (GLBT youth can realize their sexual orientation without engaging in sex.) PFLAG provides accurate information regarding sexual orientation and gender identity to GLBT youth in ways that are healthy and affirming. Only then can they make safe and responsible choices regarding their sexuality.

Silence or denial regarding sexual orientation abandons youth who need our help and guidance. Eberstadt should appreciate the work of organizations like PFLAG and others to ensure the safety and well-being of GLBT youth instead of making unfounded assumptions.

Carolyn Wagner
Fayetteville, AR

I do not believe and have never argued that child abuse is a lesser problem than "the people who declare themselves against it," as Mary Eberstadt claims. She has no evidence for this claim and should withdraw it.

Child abuse is always and everywhere an evil of extraordinary gravity, whether committed by heterosexuals or homosexuals. It is unworthy of a serious publication to smear those of us as pro-pedophile who found some small solace in the fact that a survey found that boys were less traumatized by infantile or pubescent sexual abuse from adults than girls.

And what does it say about Eberstadt's motives that there is almost no mention of heterosexual pedophilia in her piece, a phenomenon which dwarves in scope and danger that posed by homosexual pedophiles? Could it be that The Weekly Standard's sole motive in publishing such a piece is not to condemn or oppose pedophilia but to continue the campaign to demonize gay men and women, their families, and their children?

Andrew Sullivan
Washington, DC

"'Pedophilia Chic' Reconsidered" is upsetting in its inferences that

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it is primarily homosexuals who are promoting child sex. What we are seeing is the inevitable result of a culture that continues to deny that homosexuality is innate and fails to deal with it openly and honestly. Writers are reflecting what actually happens in such an underground culture, including some of their own experiences in their work.

In past generations, youth who were gay had no avenues to learn about their sexuality until they were old enough to move to urban areas that had some gay culture. Now children can get on the Internet and are vulnerable to those within the gay community that would victimize their youth. Both the gay media and the religious Right tell these children that to be gay is to be sexually promiscuous. Our straight children would be just as vulnerable if they had no help in dealing with their sexual orientation. But our society surrounds heterosexual children with support through role modeling, appropriate activities to explore dating, and parents and churches that teach values and morals for heterosexuals. If straight 12-year-olds had no such support but were forced to hide their orientation from friends, parents, and other adults and could only turn to cyberspace for contacts, we would see a similar rise in the incidents of children seeking affirmation and support from adults, some of whom would cross the line of appropriate behavior.

The openness of adult-child sex is not predominately within the gay community. One has only to turn on any talk show these days to see topics like "I'm 12 and I want to have a baby," "I slept with my mother's boyfriend," and on and on. Female children are sold into child prostitution rings for the gratification of adult males worldwide. Dorothy Allison's book *Bastard out of Carolina*, now a movie, and Paula Vogel's play *How I Learned to Drive* are about heterosexual child/adult sex. I saw the latter, about an uncle grooming his young niece for sex, performed on a community college campus.

I would protest the author's choice to use the term "chic" in her articles because its very use trivializes a very serious subject. I hope that the author writes a similar piece on heterosexual pedophilia. It is even more prevalent than homosexual and much more accepted.

WENDY WARTES
Woodinville, WA

MARY EBERSTADT'S recent article has left me somewhat confused. I was heretofore under the impression that the title character in the book *Lolita* was a girl. I was also under the impression that Jon Benet Ramsey, and the others against whom she competed were young girls, dressed and made up in a manner more appropriate to women. I was further under the impression that Brooke Shields, who notoriously stated that nothing came between her and her Calvins, was a girl.

Yet now I am told that the glorification of the idea of sex between persons below the age of consent and persons above the age of consent is unique to homosexuals. Since only homosexuals engage in pedophilia, I suppose I must be wrong: Lolita, Jon Benet, and that young Brooke were all, somehow, glorifying 'man-boy' sex.

I find it particularly disturbing that, in a country where most abused children are victimized by heterosexuals known to the child, the author and the editors of THE WEEKLY STANDARD thought it appropriate to dwell upon homosexual pedophilia. Your priorities seem to be out of order.

WILLIAM MOSCHKE
Chicago, IL

IN AN OTHERWISE hard-headed article, it's unfortunate that Mary Eberstadt has failed to connect the glaringly obvious dots between the non-stop assault on traditional depictions of masculinity and the rising tide of pedophile-acceptance. It's similarly no surprise that man-girl sex is, if anything, more verboten than at any other time, while the man-boy variety is coming alarmingly close to being defined as liberating and transcendent. The real story here is the criminalization of masculine virtues, heterosexuality first and foremost. Thank God every pendulum eventually swings back, no matter how many ads currently festoon the latest issue of *Joey*.

LOU MANZATO
New Orleans, LA

MARY EBERSTADT'S ARTICLE was exceptionally good. I was a child protection social worker and can tell you the devastation in young lives continues on into adulthood when boys are not protected and their trauma is not considered. Thanks for the excellent work.

KATHRYN FOURNIER
Vancouver, BC

MARY EBERSTADT SELLS her original theory on pedophilia short. While the movement to destigmatize child abuse can't be blamed on any disembodied force called "nihilism" or "relativism," there can't be any doubt that the individuals behind pedophilia chic are guilty of the soft relativism of muddled thinking.

Such is the trend of the day. Even so-called "conservatives" constantly succumb to temptation and gutlessly compromise, taking us down the slippery slope one concession at a time. If that isn't staring into the abyss, I don't know what is.

JOHN P. BLADEL
Fairfax, VA

MARY EBERSTADT RESPONDS: My gratitude to all the readers who have thanked me for this essay, whether publicly or privately. Its subject is a wretched one, and those who have had the fortitude to read through the piece and to reflect on it deserve more than the usual authorial commendation. I am especially appreciative of Christopher Wolfe's thoughtful letter, which makes an important point about the extrinsic causes of today's diminution of the pedophilia taboo. Kathryn Fournier's letter, for its part, reminds all of us that the public deterioration of this taboo is not just a scholastic point to be debated, but a social change with devastating consequences for real-life children and their families.

As for the essay's critics, several have inadvertently demonstrated something it described. This is the phenomenon of "anti-anti-pedophilia"—meaning that, instead of addressing the argument itself (i.e., that pedophilia is being normalized), they have resorted instead to attacking the messenger.

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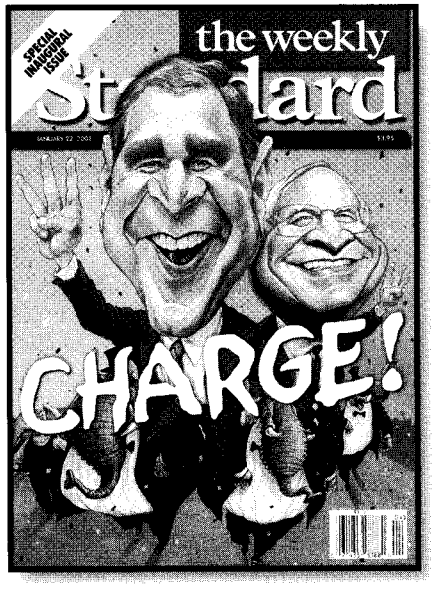
Jonathan Rauch shies away from any real discussion, instead criticizing my characterization of his prose. Obviously, he and I differ in our interpretations of the notorious 1998 study, "A Meta-Analytic Examination of Assumed Properties of Child Sexual Abuse Using College Samples." Having read that article, I called it an attempt to justify child molestation that deserved to be publicly condemned. Rauch says, here as in the column he wrote about it, that such condemnation is worse than the article itself. Anyone wondering about whose interpretation better fits the facts should simply read the *Psychological Bulletin* piece (July 1998) in its entirety and decide which is worse: normalizing pedophilia or protesting that normalization.

As for Andrew Sullivan, his ire is misspent. I did not "smear" or "demonize" him: I quoted him, which is something different. He too responded to the controversy over "Meta-Analytic" not by condemning this pro-pedophile piece of advocacy, but rather by impugning its critics. To observe as much is hardly to call Sullivan pro-pedophile, and I did not. Rather, it is to underline something my essay documented in detail: that some advocates of boy-child molestation are riding on the coattails of the gay rights movement's success, and that some leaders in the movement, for reasons I also described, have failed to discourage that parasitism. To the extent that my essay makes any writers more emphatic about drawing such lines, it is all to the good. Sullivan's declaration here that "child abuse is always and everywhere an evil of extraordinary gravity" is a particularly gratifying clarification.

If there is a single substantive concern that these critics share, it appears to be this: Why didn't the essay give more attention to heterosexual pedophilia? This question is an attempt to dodge exactly what my essay described—namely, the unprecedented, and also unparalleled, legitimation of *boy* pedophilia.

Yes, the coarsening of public and popular life—which includes the sexualization of all children—proceeds apace. Yes, what Britney Spears represents is deplorable (even if she is of legal age), and what Brooke Shields represented in yesteryear's Calvin Klein ad campaign is deplorable, and for that matter hoary old *Lolita* (described in my piece as an "antinomian and arguably malignant exercise") remains deplorable too.

At the same time, however—and this is a crucial point—heterosexual pedophilia, unlike homosexual pedophilia, is not enjoying the support, tacit and otherwise, of any parts of any organized movement. It is manifestly not acceptable to advocate about girls what is advocated "with some regularity," as I wrote and documented, about boys. Browse the shelves of any major chain bookstore. Reputable works that glorify—not depict, but glorify—the sexual molestation of girls, or question the age of consent laws for girls, are few and far between. But there are plenty of such works about boys on the gay studies shelf, as none of my critics deny.



Indeed: The niche which boy pedophilia has acquired in mainstream gay fiction and journalism is without parallel anywhere else in the cultural universe—and as I observed, gay activists who abhor that association should lead the charge against it.

Nor can there be any question that this same double standard, according to which the molestation of boy children is to be treated differently from the molestation of girl children, is now popping up not just in gay fiction and non-fiction, but all over the mainstream. Just recently, writer Wendy Kaminer penned a classic example for *American Prospect* magazine called, casually enough, "Speaking of Man-Boy Love." Does anyone really believe that the same magazine would have licensed any writer to weigh the pros and cons of men having sex with little girls?

But enough of these double standards, proof of which could continue ad nauseam. Anyone still pondering the essay's larger thesis might consider this. The week after "'Pedophilia Chic' Revisited" appeared, a writer for the *New York Times Book Review* penned these words about the novel before him: "Lost in his new environment and shunned by the other boys, the 9-year-old James turns for comfort to a kindly, handsome teacher named Mr. Wolfe—comfort that very quickly (and on both sides, very willingly), turns to sex."

Well, there it is. The idea of an adult male having sex with a 9-year-old either horrifies you, or it doesn't. You either viscerally reject the thought that such a man is "kindly," or you don't. To the extent that a number of people in the public square no longer have such gut reactions—and as some letters fairly reflect, it is a significant extent—more evidence is adduced for the claim that the taboo against pedophilia is eroding. Put that reality together with another one—that no response, public or private, has challenged a single statement of fact in a 7,000 word piece that relayed hundreds of them—and the meaning of it all is plain, and exceedingly sad. The argument stands uncorrected.

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the weekly Standard

Enter Bush . . .

George W. Bush's inaugural address showed a man plain-spoken, secure in his faith, and confident in his ability to lead the nation. It also suggested that, as president, Bush may be capable of elevated sentiment and dignity of purpose.

What a satisfying change. Bill Clinton, the vulgar narcissist, is gone. He pathetically attempted to hog the spotlight on Inauguration Day, boasting in his first remarks as ex-president that "we did a lot of good." The damage Clinton did—to our Constitution, to our public discourse, to the fabric of our national political life—will undoubtedly long outlive him. But perhaps the recovery will be quicker and more complete than one might have thought just a few weeks ago. We have reason to hope for the best: that Bush is capable of growing—in the real sense, not the usual Washington sense—in office.

One shouldn't be Pollyannaish. All is certainly not well in the body politic, and not all signs are positive for the new administration. But more are than one might have expected. The cabinet is strong. With the exception of Linda Chavez, Bush's nominees have beaten back the assaults on them, and their critics on the left have probably hurt themselves with the foolish intemperance of their attacks. Some concessions were made that shouldn't have been made—particularly John Ashcroft's assertion that he would not seek to challenge *Roe* v. *Wade*—but Bush tried to walk that concession back, and perhaps not too much damage was done.

And this brings us to the fundamental point: The success of the Bush administration will depend on George W. Bush. Asked about Bush's unfortunate and garbled account of missile defense in his *New York Times* interview last week, one Bush adviser responded by pointing to defense secretary Donald Rumsfeld's superb testimony before Congress, and suggested that Rumsfeld's remarks, not Bush's, would reflect policy. I hope and trust that's so, but at the end of the day we will need a president, not simply a team, that is up to governing.

To govern is, of course, to choose. Bush will get tons of advice from his own staff about how to remain popular, how to reach out, how to "change the tone." But he will need to reach into himself to make the tough decisions that may not seem popular at the time he has to make them. He will need to listen to Dick Cheney and Rumsfeld and Mitch Daniels at OMB and, yes, John Ashcroft—more than to his campaign staff. And he will have to depend on his faith, a faith that, one trusts, goes beyond a good heart to a strong will.

Two aspects of the Inaugural Address are promising in this respect. First, Bush listed courage, along with civility, compassion, and character, as fundamental principles that will guide him. Courage, Aristotle said, is the first of the virtues, because it makes all the others possible. Bush has had a fairly easy time of it so far in his political career; his political courage is relatively untested; it will be tested.

Second, in his reference to the one "Who creates us equal in His image," Bush deftly linked human equality to religious faith. By grounding the enlightenment principle of equal rights in a faith in providence, Bush spoke in the tradition of American presidents from Washington to Reagan. Indeed, Bush seemed to go further, by citing John Page's letter to Thomas Jefferson, shortly after the Declaration of Independence: "We know the Race is not to the Swift nor the Battle to the Strong. Do you not think an Angel rides in the Whirlwind and directs this Storm?" Bush closed his address by affirming that "an angel still rides in the whirlwind and directs this storm."

But Bush also reminded us, implicitly, that angels will not save us if we sow the whirlwind; they will not step in if we are weak before the storms we face abroad or at home. As Bush said, God's "purpose is achieved in our duty," to be pursued without tiring or yielding.

In a letter written shortly before his death on July 4, 1826, Jefferson expressed regret that illness forced him to decline an invitation to celebrate the fiftieth anniversary of American independence:

> I should, indeed, with peculiar delight, have met and exchanged there congratulations personally with the small band, the remnant of that host of worthies, who joined with us on that day, in the bold and doubtful election we were to make for our country, between submission or the sword; and to have enjoyed with them the consolatory fact, that our fellow citizens, after half a century of experience and prosperity, continue to approve the choice we made.

These men—a small band—made the choice, and a bold and doubtful one at that. President Bush, on his first day in office, gives reason to hope that he will not shy away from the bold and doubtful choices he will have to make for our country.

—*William Kristol, January 20, 2001*

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Exit Clinton

Bill Clinton has left office essentially unchanged: now, as always, a man convinced that no criticism of him can ever have justice, no fact that wounds his pride can ever be true—and convinced, as well, that any who see things differently are dishonorable. This is a personality disorder, one that once would have seemed incompatible with the law and spirit of American democracy. And yet this disordered man has been our president, and he has successfully bent democratic politics to his needs. Time and again, the nation has been disgusted by Clinton. Time and again, he has indignantly rebuked us for it. And time and again, we have ultimately decided to distrust ourselves, turn on Clinton's accusers and victims, and let him off scot free—that is, with his perfect vanity undisturbed.

In short, America has "enabled" Bill Clinton and his presidency, as the pop psychologists would have it. The question becomes whether, in the process, we have also enshrined as acceptable—and thus invited—future such presidents and presidencies.

Independent counsel Robert Ray, sweeping up confetti in the Monica Lewinsky scandal, believes he has helped answer this question with a "no"—by extracting from Clinton, in the final twenty-four hours of his White House tenure, a painful confession that he was guilty not simply of private and sexual wrongdoing in the matter, but of public and legal misdeeds, as well. Ray is mistaken. Clinton has confessed nothing that might matter to him and is consequently experiencing no pain.

Under the three-way deal Ray achieved last Friday with Clinton's lawyers and the Arkansas Supreme Court, Clinton, for having been found in civil contempt during the Paula Jones litigation by federal judge Susan Webber Wright, will have his home-state license to practice law suspended for five years. For the same misconduct, though, Clinton was already facing near-certain disbarment, from which he would have been eligible for reinstatement after an identical five-year period—so this "new" penalty is really just an old one in disguise.

Similarly ornamental is the $25,000 fine the now-former president has agreed to pay for having "knowingly" given "evasive and misleading answers in violation of Judge Wright's discovery orders." What is $25,000 paid to admit those perjuries against the millions of dollars in attorney's fees Clinton eagerly spent to deny them? Especially since, more to the point, Clinton hasn't actually admitted perjury at all. For as Robert Ray should know as well as anyone, "evasive and misleading answers," even if given "knowingly," are insufficient to establish perjury. And not all violations of a judge's discovery orders are crimes.

In the course of his press conference on Friday, Ray released a private letter sent him earlier that day by Clinton lawyer David Kendall. Memorialized therein was the president's formal position on his pending bargain with the prosecutor and the Arkansas court. Clinton, Kendall wrote, while he is prepared to accept them in order to "achieve closure," believes that his fine and the suspension of his law license are penalties "far harsher than appropriate." Moreover, Kendall went on, where Clinton's "evasive and misleading answers" are concerned, "all he can in conscience do is say what he told the earlier grand jury: he tried to avoid testifying falsely." And so he lacked the intent without which no charge of perjury can stand—and thus remains innocent of any crime.

Appearing in person before the cameras later the same day, David Kendall was bolder still: "He did not lie. We have not admitted he lied. And he did not do so today." Kendall was right. Clinton has skated.

Not everybody sees it this way, of course. Robert Ray apparently doesn't. Partisan Democrats don't, either—for they have cravenly but consistently applauded Clinton's every successful escape from the normal rules of public life. A majority of ordinary Americans remain happy with the economy Clinton has supervised and have never much troubled themselves to think unflattering thoughts about him in any other context, this one especially. Even some of the president's staunchest critics are now prepared to let go their complaints and allow him this one last, spectacular deception. Henry Hyde, for instance, declares that Robert Ray's *entente* with Kendall about the president's Paula Jones deposition "vindicates impeachment."

Would that it were so. But the president was not impeached for his Paula Jones deposition; that count against him was rejected by the House of Representatives. He was impeached for lying to a federal grand jury and obstructing justice, and Robert Ray's deal is silent on those charges. So end eight years in which Bill Clinton has unashamedly played the whole country for a fool, forcing us, whether we realize it or not, drastically to reduce our expectations of honor in the presidency. It is damage from which America will not recover overnight. Clinton's is a legacy of disgrace.

—David Tell, for the Editors

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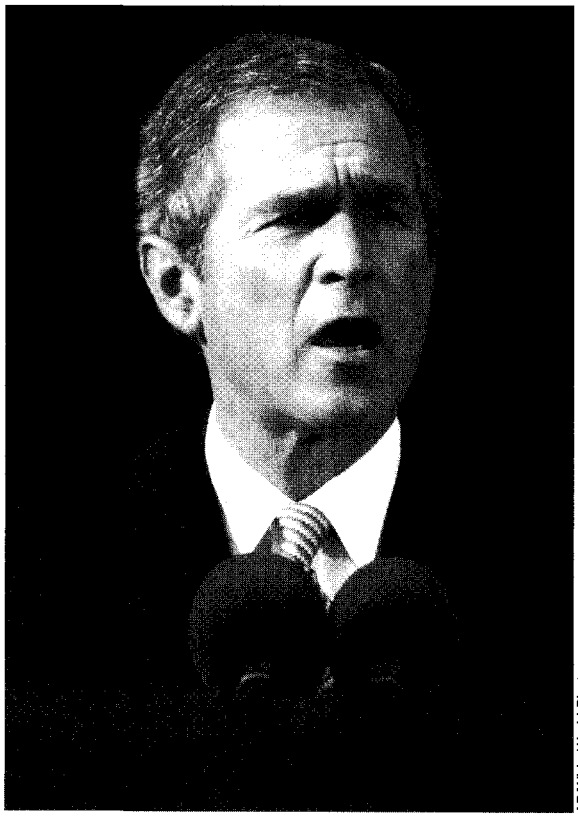
The Real George W. Bush

There's toughness under that nice-guy exterior. **BY FRED BARNES**

WHEN GEORGE W. BUSH met privately with Senate Republican leaders a few days after Al Gore conceded, he vowed to pursue the same agenda he'd touted in the presidential race: sweeping tax cuts, a defense buildup, education reform with vouchers, faith-based programs, overhaul of Social Security and Medicare. Then, when senators offered their advice, one told Bush that any time he spent conferring with Senate Democratic leader Tom Daschle would be time wasted. Daschle, the senator said, was deeply partisan and wants only to ruin Bush's plans. If Bush disagreed, he didn't say so.

Two days before his inauguration, Bush showed the same combative, resolute streak during an interview with Brit Hume of Fox News. To Democrats who don't like his conservative cabinet nominees, Bush's message was "too bad." He insisted he won't jettison any of his agenda in the spirit of bipartisanship. He didn't win because of his personality. "The truth of the matter is, I am sitting here because of my firm positions on important issues," Bush said. "And I am not backing off—quite the contrary."

What to make of this? Only that the cheerful, optimistic, friend-to-all persona that Bush displayed as candidate and president-elect—Bush Nice—is the public side of his political style. The private side is different: tough, demanding, self-confident, impatient. His interview with Hume gave a glimpse of this, but not the whole picture. Bush is more bellicose, more ready to fight, than he lets on. So the question is whether this combination of charm and intensity will produce a successful presidency. A year from now, will he still be seen as a fluke president? The signs are good that he won't be.



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His inaugural address, beautifully written by chief speechwriter Mike Gerson, was the public Bush at his best. He called for unity, sacrifice, service, justice, and opportunity. "We affirm a new commitment to live out our nation's promise through civility, courage, compassion, and character," he said. His agenda got short shrift in the speech, a mere five sentences in which he promised to cut taxes and "recover the momentum of our economy." He spoke vaguely of a military buildup. He also said, "We will confront weapons of mass destruction, so that a new century is spared new horrors"—a reference to deploying a missile defense system.

The way the speech was crafted, however, shows the private Bush at his best. He was focused, insistent, highly organized. He didn't talk to Gerson about the address until he came to Washington as president-elect in mid-December, six weeks after Election Day. They talked briefly in D.C., then for two hours aboard Bush's plane as he flew back to Texas.

Bush knew he wanted two things: a big theme (healing the cultural divide) and an indication of what kind of president he aims to be (compassionate conservative). Gerson promised an outline. Minutes later, as Bush left the plane, he demanded, "Where's the outline?" Gerson returned to his home in Virginia to write the first draft. Bush and close aides tinkered a bit, and the speech was ready five days before Bush's swearing in.

Bush harbors none of the illusions about Washington his father did. The elder President Bush had gotten along famously with Democrats while serving in Congress in the late 1960s, and thought that if he was nice as president, the Democrats in the House and Senate would reciprocate. The new President Bush believes Democratic leaders such as Daschle are mainly trouble. Bush senior took the support of conservative Republicans for granted. His son courts them. Nor does the new President Bush expect any help from the Washington press corps. (Actually, this is what his father

Fred Barnes is executive editor of THE WEEKLY STANDARD.

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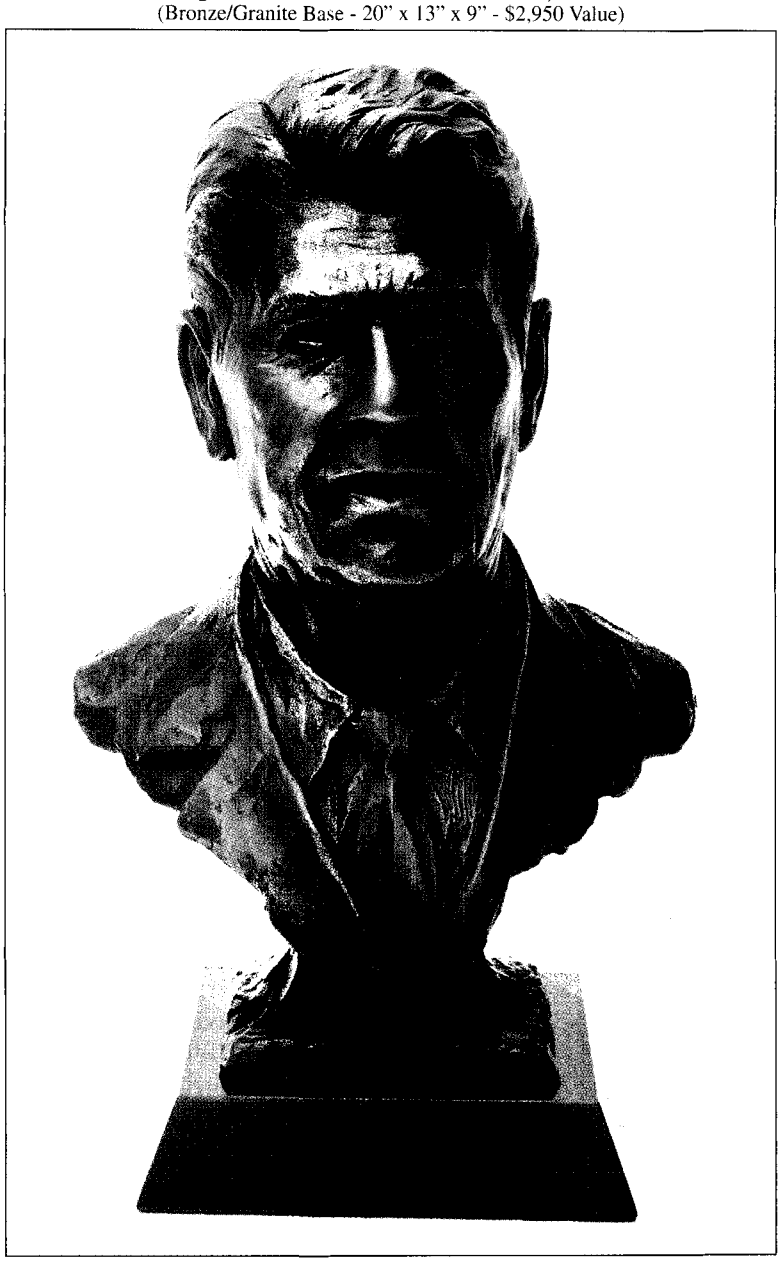

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thought, too.) Finally, Bush doesn't believe he should act like a half-president or "president-select" just because he lost the popular vote and won only with the aid of the U.S. Supreme Court. His view: I may have won only 48 percent of the vote, but I've got 100 percent of the presidency.

Bush brims with self-confidence. He laughs at the notion, popular with reporters, that Vice President Dick Cheney will be running the White House. Rather, Cheney will be Bush's chief agent on Capitol Hill, where he will speak with the full authority of the president. Cheney is said to have reminded Bush how easy it will be to curtail his power. "All you have to do is not call me," Cheney told Bush.

Two more traits: Bush is more pugnacious than he appears in public, and he has a preference for strong aides who are willing to fight. Bush was ready to jump into the confirmation battle over John Ashcroft for attorney general, but he didn't think it was necessary. He's particularly taken with Defense Secretary Donald Rumsfeld, whom he didn't know well beforehand. Bush sees Rumsfeld as a no-nonsense adviser who is strong and knowledgeable enough to carry the fight to increase military spending and install a missile defense system. And Bush presumably recognizes that Rumsfeld will be more than a match for Secretary of State Colin Powell in cabinet squabbles.

From the moment he arrived in Washington three days before his inauguration, Bush was in full demanding mode, first lady Laura Bush told Carl Cameron of Fox News. At Blair House, across Pennsylvania Avenue from the White House, he was welcomed by the imperious woman who runs the place. Would Bush like something to eat? Yes, he said, Fritos. Oh, we don't have snacks, she answered. A few minutes later, she asked if he'd like a meal. A cheeseburger, he said. Sorry, the cook can't provide that, she said. Bush was insistent. "Texas," he said. "Cheeseburger." Next time he asks, you can bet he'll get his cheeseburger—pronto. ♦

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Sackcloth and Ashcroft

Democrats abandon the center as Clinton leaves.

BY CHRISTOPHER CALDWELL

TWO WEEKS AGO, the largest coalition of activist groups ever assembled declared holy war on George W. Bush's attorney-general nominee, former Missouri senator John Ashcroft—arch-conservative, abortion foe, and Assemblies of God congregant. The campaign flouted American constitutional practice. Since 1789, only nine cabinet nominees have been rejected in the Senate, and *none* for ideological reasons in an incoming administration. No matter: Led by People for the American Way, the NAACP, and the National Abortion Rights Action League, literally hundreds of the best-funded and best-trained pressure groups in the country began combing through Ashcroft's record to paint him as an extremist, particularly on matters of abortion and race.

In hearings, Ashcroft gave them all the ammunition they could have wanted. He neither swallowed his words nor muddied his positions, defending himself with more-than-necessary candor and elaborating on his answers even where he wasn't asked to. He even refused to rule out the possibility he would visit Bob Jones University again. Yet, by the end of the first day of testimony, the anti-Ashcroft forces looked as if they had seriously overplayed their hand—and by the end of hearings last Friday, the Ashcroft story had dropped off the front page. It was a humiliating defeat, and one that threatens to set a pattern.

Paradoxically, Ashcroft opponents got little effect out of their strongest point—the nominee's hard-line stand on abortion, which he shares with only about one American in eight. True, a flustered Ashcroft wandered from his talking points and described *Roe* v. *Wade* as "settled law." But otherwise, so unambiguous was his pro-life stance that there was little to discuss.

And once the anti-Ashcroft activists got off abortion and onto race, they went seriously astray. Those Democrats who assumed a link between Ashcroft's religious practices and the American race problem were operating out of ignorance, barking up the wrong tree. Pentecostalism—at least as it's practiced in the Assemblies of God, to which Ashcroft belongs—is Methodist-influenced Christianity with an overlay of *African* religion. It has its roots in the Los Angeles revivals held by the black Texas minister William Seymour in the first decade of the century. The Assemblies of God repudiated the Ku Klux Klan in 1925 as "un-Christian and un-American," and integration has been the rule rather than the exception among Pentecostal faiths. Pentecostalism, according to historians, has a better claim than jazz to be called the first major black influence on (white) American middle-class life.

California's Barbara Boxer, the first Senate Democrat to openly declare her opposition, typified the confusion. Asked whether she thinks Ashcroft a racist, Boxer replied, "I never use that word against anyone"—implicitly confirming Republican suspicions that the word, as used by Democrats, had lost all its descriptive power and turned into a mere epithet. "I don't

Christopher Caldwell is senior writer at THE WEEKLY STANDARD.

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think he's a racist," New York senator Charles Schumer said, "but at certain instances, I don't think he's shown enough sensitivity toward America's long and troubled history with race." This is an extraordinary statement, boiling down to the intolerant and illogical assertion that one should vote against Ashcroft because he didn't care enough that ignorant bigots who knew nothing of his record might slander him. Even "moderate" Indiana senator Evan Bayh, admitting in an op-ed that Ashcroft is "no racist and no monster," announced that he would vote against the senator anyway, on the grounds that Ashcroft would "encourage in others the unyielding extremism they perceive in him." This is an attitude—*yield to the prejudice, rather than correct the misperception*—that ought to horrify the very minorities Bayh claims to speak for.

Unable to sully Ashcroft as a racist, Democratic senators turned to the issues, with catastrophic results. Exhibit A was Ashcroft's leading role in rejecting the federal court nomination of black Missouri judge Ronnie White. True, this wasn't Ashcroft's finest hour. It can be argued (the *New Republic* did so convincingly in 1999) that Ashcroft's opposition had less to do with the merits of the case than with Missouri politics. But in last week's Senate hearings, Ashcroft won the argument over the merits, too. Was Ashcroft right to urge capital punishment for the quadruple murderer James Johnson (who had traveled to the house of one sheriff's deputy and shot his wife to death in front of her Bible-study group)? Or was White correct to urge that Johnson's case be remanded to the court on a technicality?

The same pattern played out with Exhibit B: Ashcroft's role in vigorously defending the state of Missouri against lawsuits filed by the cities of St. Louis and Kansas City two decades ago in order to increase school desegregation initiatives. It's true Ashcroft had tried to fudge exactly what he did in that litigation, and that he had been disingenuous in claiming his objections had to do with the expense of such programs. But one man's desegregation is another man's forced busing. The lawsuits came just five years after Boston's public school system had been spectacularly destroyed on national television (and segregation there *increased*) by court ordered busing. Was Ashcroft right to drag his feet? Or was Ted Kennedy right in urging that St. Louis's schools be similarly dismantled?

Incredibly, Democrats were dragging the national policy debate back onto the very terrain where they'd been drubbed from one end of the Reagan administration to the other. The hearings revealed a party unable to keep its centrist bearings without its centrist president. The transition is clearly so subtle that Democratic politicians themselves haven't noticed it. In the Clinton era, Democrats spoke for black America. Last week, as in the Reagan era, Democrats seemed to speak *only* for black America. Dick Durbin, perhaps Ashcroft's most outspoken Senate foe, spoke for many when he shouted at an interviewer: "Do you realize what's at stake here? It's a question about who will be attorney general of the United States, who will be in charge of the Civil Rights Division of the Department of Justice, one of the most important in Washington." Ted Kennedy, in a moment of Gingrichian hubris, even threatened to shut down the Senate with an unprecedented filibuster. And Missouri Democrat Jean Carnahan, who replaced Ashcroft in the Senate, was forced to explain why she'd be reluctant to join her Massachusetts colleague: "I think a freshman senator," Carnahan said, "would be unwise to filibuster before she had even cast her first vote."

Former labor secretary Robert Reich said, "George W. Bush is going to rue the day that he nominated Ashcroft, because there is going to be a terrific, ongoing set of concerns, a brouhaha." No, there isn't. These are an antiquated set of concerns—either discredited Democratic programs, like busing; or secure ones, like abortion rights, which Republicans are looking for any excuse not to touch.

During a Senate majority that lasted just 17 days, Democrats managed to commit an act of partisan overreach that could dog them for years. It's worth remembering that the missteps that destroyed the Republican Revolution in the aftermath of the 1994 elections were also *offensive* blunders. If Republicans—particularly the party's religious Right—wound up cast as radicals in the mid-1990s, it's because they were too zealous themselves in their efforts to cast "McGovernik" Democrats as radicals. George Bush got the Republican nomination because he understood the pitfalls of such ideological character assassination, and there are few politicians more attuned to taking advantage of such miscues when the other side commits them. When Barbara Walters asked Bush if he had really expected Ashcroft to be such a lightning rod, Bush replied, "Yes, I did. . . . I know there's a lot of people out there hollering, mainly voices of special interests in Washington. That's what they're paid to do." He's not just astute: He's right. Like the Christian Coalition before them, NARAL, NOW, and the NAACP were willing to strip their party of its centrist camouflage in order to increase their own direct-mail fundraising.

George W. Bush is still battered from a close election, and hemmed in by slim majorities in both houses of Congress. But the Left's paranoid reaction to the Ashcroft nomination has changed things. It has locked down Bush's right-wing base for at least one, and perhaps two, congressional elections. That frees Bush to govern from the center, which is the only place he's comfortable governing from anyway. Republicans a half-decade ago were simultaneously mystified and infuriated that Clinton could win in the suburbs by passing welfare reform, holding the line on taxes, and fighting the war on drugs—and *increase* his support on the left wing of his party. In like fashion, Democrats, lulled by their low opinion of Bush's IQ and narrow congressional mandate, may soon wake up to a president they've inadvertently rendered powerful and not know what hit them. ♦

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The Ghost of Administrations Past

George W. Bush will not be the second coming of Gerald Ford. BY DAVID FRUM

THOSE LONG feature columns on the left and right side of the *Wall Street Journal*'s front page are known inside the paper as "leaders." For many years, reporters at the *Journal* joked that if you had a fact, you had a leader, and if you had two facts, you had two leaders. Washington journalists seem to be evaluating the Bush administration in the same light-hearted spirit. Two members of the administration held senior posts in the Ford administration: Dick Cheney was chief of staff, Donald Rumsfeld was secretary of defense. A third, treasury secretary Paul O'Neill, was deputy director of the Office of Management and Budget. On this slight base has been erected a towering structure of punditry to the effect that the Bush administration represents the second coming of Gerald Ford. Got three facts? You've revived an old leader.

Ford was not a success in office, and the people who draw comparisons between him and Bush mean the latter no compliment. Ford had better instincts than he is usually given credit for: He wanted to free energy prices, control government spending, and aid the anti-Communists in Angola. But he was never the man for the job. He was gullible about the radical social movements of the 1970s, picked bad judges, and compromised with Democrats in Congress when he could have achieved more both in political and in policy terms by taking his differences with them to the country. He himself quipped that he was a Ford, not a Lincoln.

Columnist Nicholas von Hoffman observed more brutally that it would be Ford's ultimate destiny to vex generations of schoolchildren yet unborn with the question whether it was he or Martin Van Buren who fought the French and Indian War. But the hard truth is that the thing that Ford will probably be remembered longest for is his refusal to invite Alexander Solzhenitsyn to the White House after the great dissident's expulsion from the Soviet Union.

However, the casting of Bush II as Ford II overlooks the overwhelming number of cabinet and cabinet-level nominees with no connection to Gerald Ford at all. It ignores the startling difference between the circumstances of the mid-1970s (rampaging Soviets, inflation, unemployment, energy shocks, and huge Democratic majorities in Congress) and those prevailing now. It fails to take into account, too, the difference in experience and acuity between a twice-elected governor of the country's second-biggest state and a politician who had never previously won an election outside of Grand Rapids, Michigan.

If the idea of Bush as Ford II is so misplaced, why is it getting so much traction? Perhaps because it is a roundabout way to phrase a stronger allegation: that Bush's appointments have broken faith with the Republican party's Reaganite inheritance.

Only one of Bush's appointees, Colin Powell, held a senior job in the Reagan administration. A hand-

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AP/Wide World Photos

Dick Cheney and Donald Rumsfeld, in their Ford days

ful of others held posts much lower down the organizational chart: Economic adviser Larry Lindsey was a White House staff economist; U.S. trade representative Bob Zoellick was a deputy assistant secretary of the treasury; interior secretary Gale Norton worked as a lawyer in the interior department. What's missing is the broad band of people in the middle. Where are the assistant secretaries of the Reagan years, the deputy commissioners, the division heads? The incoming secretary of agriculture held the number two position in the department during the presidency of Bush's father; ditto for the incoming secretary of veterans' affairs. Reagan-vintage number forty-threes are drawing top jobs. Why not Reagan-vintage number twos?

The short answer is that those old number twos have either wandered off to the private sector for keeps or else left government on terms that make it impossible for them to return. The Reagan administration was an unusually fractious one. Much of its history can be told in terms of its legendary feuds: Baker vs. Meese, Kirkpatrick vs. Haig, Perle vs. Burt, Stockman vs. Weinberger, Darman vs. everybody. More than in any previous administration, the people who served in Reagan's were wounded and scarred by the use of ethics accusations as a weapon: Think of Richard Allen resigning because he forgot a gift watch in his office safe; Michael Deaver and Lyn Nofziger prosecuted for their lobbying; Anne Burford and Ed Meese—the list goes on. By January 1989, the Reagan administration looked like a British regiment returning from the Somme: limping, bloodied, missing half its officers.

That's one answer to the question, Where are the Reaganites? But there's another, and it is one that conservatives ought to keep in mind before getting unduly optimistic or unduly pessimistic about the staffing of the incoming administration: The Reagan service medal is not necessarily a badge of merit. That administration contained its fair share of duds: anti-free-enterprise businessmen like the protectionist transportation secretary Drew Lewis; concessions to the liberal wing of the Republican party like health and human services secretary Richard Schweiker; people of self-destructive temperaments like Ed Meese and Al Haig. And sometimes it was the establishment Republicans whom conservatives most distrusted who served Reagan and conservatism best: George Shultz, for instance, and, yes, James Baker.

That may also prove true this time around. It's the Ford legacies, Cheney and Rumsfeld, who are likely to be the most robust members of the Bush foreign policy team; it's the Reaganite Powell who has in the past been most cautious. On spending, Paul O'Neill may yet turn out to have a stiffer spine than some of the supply-siders who mistrust him.

There's a Washington saying that personnel is policy. But that cynical wisdom can also be an excuse: Personnel will adapt to policy, if there is a policy to adapt to. It was the unclear intentions and weak will of the first President Bush, as much as the squishy political backgrounds of his aides, that undid that administration. It's the philosophy of the president, the themes of his campaign, the mandate he won, as much as the backgrounds of his staff and officials, that determine the character of his administration. In those respects, Bush offers a complex and unique mix of reasons for hope and for worry.

Reagan's legacy isn't found in the résumés of the people who served him. It is, as Christopher Wren said of his own legacy, all around us. As for Ford, if everyone in his administration had served the nation as redoubtably as Rumsfeld and Cheney, that administration would have bequeathed a record of which conservatives and Americans could be more proud. ♦

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The Zen of Sexual Harassment

Jerry Brown's guru has a zipper problem.

BY DEBRA J. SAUNDERS

Oakland, California

JACQUES BARZAGHI is a legendary character in California politics, famed for his 25-year role as top adviser, alter ego, and some say guru (or Svengali) to Jerry Brown, mayor of Oakland and former governor. Barzaghi is head of the Oakland arts department, in which capacity he enjoys a $114,000 annual salary. (The city website informs citizens, "The source of art is in the natural flow of the human mind.") More important, Barzaghi is known as the person one has to go through to get to Brown.

Like Brown, the 62-year-old former Frenchman is partial to dressing in black. Unlike Brown, he shaves his head. Inseparable, the two are the Zen twins of political events. Indeed, Barzaghi, his sixth wife, and his seventh child actually live with Brown in a live/work loft/commune that Jacques helped design. City hall wags see the two men's relationship as akin to a marriage. Barzaghi once explained that he treated then-governor Brown "with the same respect" he would show a shoemaker.

Alas, trouble has come to shoemaker paradise. In December, a city employee accused Barzaghi of sexually harassing her verbally during a trade mission to Mexico City. Her attorney later explained that Barzaghi's behavior had humiliated the woman. But that was only the beginning of Barzaghi's woes. An investigation turned up a number of complaints from female workers in city hall, who said Barzaghi frequently made inappropriate comments to them, such as asking them if they were wearing any underwear and if so, what kind. Soon Barzaghi was hospitalized with heart trouble.

So what was the mayor of politically correct Oakland, a city with "zero tolerance" for sexual harassment, supposed to do with his guru gone bad?

Dao Mayor was not happy. For one thing, Brown objects to Barzaghi's being called his guru. "That's a silly statement," he told me over the phone. "Guru is a rather precise term for people who follow an Eastern religion, which I don't. And he doesn't function in that capacity. That's kind of a clever putdown, but it bears no resemblance to reality."

Besides which, it appears that Brown sees no problem in Barzaghi's behavior, although city policies, Brown says, forbid him from discussing the investigation. In fact, April 2000 guidelines call for Oakland to keep complaints and their resolutions confidential "to the fullest extent practicable." But Brown did reply that he did not see Barzaghi do anything untoward in Mexico City and has never seen him act inappropriately toward female employees.

"At the peak of your popularity," Brown added, "people don't take you on directly. They find some indirect way to slow you down." A friend of Brown's who wished not to be named expressed the same sentiment: People attack Barzaghi not because of Barzaghi, but because of their desire to get at Brown.

Wrong, noted one former city hall staffer, who said Barzaghi had come on to her and younger women in the office. "Jerry doesn't see a problem,"

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she explained. "Jerry thinks it's the women's problem."

Brown and Barzaghi appear to be stuck in a time warp. Back in the late 1970s when Brown was governor and Barzaghi was his aide—with titles ranging from "special assistant for liaison and coordination" to "director of administration"—the Zen twins were the young dons of Sacramento. They ruled all California, not little brunt-of-jokes Oakland. In those days, working women often considered being hit on part of the job. Today it is a manager's responsibility to foster a professional atmosphere, but when Brown was governor, it was the woman's responsibility to graciously deflect unwanted advances. You could say that Barzaghi and Brown came of age at a time when male leaders behaved like the libidinous Captain Kirk—and Barzaghi doesn't understand that managers today need to be hyper-proper and sensitive, à la Jean-Luc Picard.

Clearly Barzaghi doesn't get it. Before he stopped talking to the press about the charges, he told the *San Francisco Chronicle*'s Janine DeFao, "I'm a Mediterranean. I hug people. I touch people. It's my culture."

This isn't the first time Barzaghi has shown a tendency to confuse liking women with liking to come on to women. His first marriage ended when he started sleeping with a woman who was living with the couple. He left his fifth wife, he told the *Chronicle*, because she wouldn't move with him from New York to Oakland to help Brown's mayoral bid. His antics aren't so charming to women not his betrothed. Today's young female workers don't appreciate questions about their undergarments. "The guy's a misogynist," the former city hall worker explained. A friend of Barzaghi's sheepishly confessed, "If I was a woman, I wouldn't want to be married to him."

Fortunately for women workers, Dao Mayor didn't have to decide what to do about Barzaghi. As prescribed by city policy, city attorney John Russo hired an outside attorney to investigate the claim, then recommended a remedy to city manager Robert Bobb. While neither Bobb nor Russo would reveal the outcome, the *Chronicle* learned that the city has suspended Barzaghi for an undisclosed length of time without pay and required him to undergo counseling and to limit his interactions with the employees who complained about his behavior.

Some insiders credit the mayor for not trying to interfere with Bobb, whom Brown has the authority to fire. Other observers doubt Barzaghi will reform. "The guy is going to do anything he wants," a source explained, "and he is still going to be living in the mayor's household." ♦

2002: A Redistricting Odyssey

Will Republicans continue to play the race card?

BY EDWARD BLUM AND ROGER CLEGG

CONVENTIONAL WISDOM has it that the Republicans will lose control of Congress in 2002. For one thing, the president's party almost always loses seats in "off year" elections. But for another, two years from now Democrats—especially black Democrats—will be mobilized with a vengeance to defeat the party that "stole" the 2000 presidential election from Al Gore. The only question, according to this view of things, is the size of Republican losses in 2002.

There are good grounds to quarrel with this wisdom, notably the GOP's improved position going into congressional redistricting. After the last census, in 1990, Republicans controlled the legislatures of states with a total of only 5 House seats, while Democrats controlled states with 172 seats. (In the remaining states, the legislatures were split between the parties, or redistricting boards managed the process.) Today, the GOP controls the legislatures of states with 98 House seats, while the Democrats hold sway over states with 144 seats. In addition, the number of Republican governors rose from 19 in 1991 to 28 in 2001, including those of critical states like Texas and New York.

Edward Blum is director of legal affairs at the American Civil Rights Institute. Roger Clegg is general counsel of the Center for Equal Opportunity.

One thing, however, hasn't changed since 1990: The Republicans again face a legal and philosophical dilemma over race and redistricting. How their party addresses this issue may well determine whether minority voters, especially blacks, will consider voting Republican for Congress or anything else for years to come.

In 1990, the Congressional Black Caucus and leading racial advocacy groups formed a political alliance with the GOP to promote the creation of ultra-safe "minority-majority" districts. Republicans reasoned that these racially gerrymandered districts would so concentrate minorities that the surrounding districts, purged of a core Democratic constituency, would be more likely to vote Republican. Dozens of heavily minority districts with twisted and contorted shapes were drawn in the Deep South and elsewhere, including New York City. Some believe this had as much to do with the Republican gains in 1994 as did President Clinton's unpopular health care initiative.

As early as 1992, however, the racially gerrymandered districts came under legal challenge, first in North Carolina (*Shaw* v. *Reno*), then in Louisiana (*Hays* v. *Louisiana*). The

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lawsuits were brought by white Democrats, who may have anticipated the GOP's coming electoral success. But these Democrats soon acquired some unlikely allies. Conservative legal groups joined the fray starting in 1994, filing challenges to minority-majority districts in Texas, Virginia, Georgia, New York, and other states.

From the beginning, the Republican party was concerned about these challenges. Former Republican National Committee chief counsel Ben Ginsberg, who had worked diligently to maximize the number of minority-majority districts in 1991, believed conservative efforts to dismantle them were misguided in light of the electoral benefits they would bring Republicans.

Whether the districts played a significant role in the GOP takeover of the House in 1994 is open to debate. While many states where these districts had been created saw Republican gains, so did states with small minority populations. Washington state's congressional delegation, for example, went from eight Democrats and one Republican to just two Democrats, with House speaker Tom Foley among those put out of a job.

Now it's 2001, and the Republicans face the old dilemma with a new twist: Racial gerrymandering is clearly illegal. Many of the lawsuits filed in the 1990s went all the way to the U.S. Supreme Court, and in a dozen decisions handed down from 1992 through 2000, the Court forbade the use of race as the primary criterion for drawing electoral districts. As each decision came down, the civil rights establishment—including the Congressional Black Caucus, the League of United Latin American Citizens, and the NAACP—decried it as a return to the days of literacy tests and poll taxes. In fact, strange as it may seem to these groups, the Court's decisions could ultimately ensure the election of more minorities, not fewer, to Congress. Here's why.

In the course of the 1990s, as the gerrymandered districts were struck down, they were redrawn under court order with fewer minorities. Back in 1991, the civil rights division of the U.S. Justice Department, aided by the civil rights groups, had argued for making the minority-majority districts at least 65 percent minority; minority candidates, they said, needed that percentage to compete effectively in primaries and general elections. But after dozens of these gerrymandered districts were redrawn, with black or Hispanic populations as low as 35 percent, minority candidates succeeded in retaining their seats. In fact, not a single minority incumbent has lost a bid for reelection to the House since 1992, although dozens of districts have been redrawn with smaller minority shares of their population.

During the upcoming redistricting, the Republican National Committee likewise must resist the temptation once again to concentrate minority voters. A new round of racial gerrymandering, even if less extreme, would be a mistake, for two reasons.

First, the Republican party must stand for the principle of equal rights under law. Conservatives must not oppose racial preferences in university admissions and contracting, yet favor them in voting.

Second, the GOP's best chance for ever attracting blacks and Hispanics to their ranks is for Republican politicians to represent them in legislative bodies and learn to work with them to solve local problems.

It is this second proposition that Republicans must embrace if they hope to attract minorities into their party. Local issues often trump ideology in congressional elections. It may be another generation before the GOP can persuade a substantial percentage of minority voters to support its presidential candidate, but that doesn't have to be the story in down-ballot, off-year races—witness the black support George W. Bush received in his reelection bid for governor of Texas in 1998: 27 percent of the black vote (more than three times the paltry 8 percent of the national

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black vote he won in his presidential race).

Republicans should neither abandon efforts to attract minority voters nor adopt a me-too version of the NAACP's racialist agenda. Instead, they should vigorously refute the contemptible claim that all Republicans are closet racists. And the best means of doing this is not window-dressing at a national convention every four years, widely viewed as a cynical ploy, but careful bridge-building at the local level.

Republican members of Congress grudgingly admit they know very little about the needs of minority communities, which is unsurprising when there are so few minorities in their districts. A new round of racial gerrymandering would merely reinforce the status quo and prevent Republicans from developing ties with minority voters.

Isolating blacks, in particular, in heavily minority districts pushes their leadership to the left and marginalizes moderate and conservative African Americans. Conversely, the interracial coalition-building that is a political fact of life in racially mixed districts is conducive to the emergence of black leaders who can win the support of a broader spectrum of voters, both black and white.

If Republican officeholders put their ideals before what some see as their immediate political interests, they will come to represent more minority constituents and, in the process, earn their confidence and trust. ♦

The New, Improved FDR

From tough, World War II commander in chief to non-smoking disability activist. BY WOODY WEST

THE CONTEST wasn't really close: Political sentimentality whipped historical fidelity in a Washington main event. The occasion was the dedication at the FDR Memorial on the Mall of a statue of Roosevelt—in a wheelchair. The victory was celebrated by Bubba himself on his farewell tour: Bill Clinton called the late addition to the memorial "a statue of freedom," illustrating his genius for being always on the approved page of the populist hymnal.

For those who've been occupied with such quotidian affairs as earning bacon and beans, a reprise: In the long debate over an FDR memorial, and indeed since its dedication three years ago, there has been a continuing chorus that representations of Roosevelt should include one of him in a wheelchair. FDR, of course, went to considerable effort to avoid being seen in public in the crippled state a bout with polio left him at the age of 39. Whether from pride or perhaps a sense that being shown as less than robust might cause doubt about his capacity, he saw to it that there are only a handful of photos, of the tens of thousands taken during his presidency, of him in a wheelchair.

In the debate over his memorial, however, those who have devoted themselves to the crusade for disability "rights" have vociferously urged that he should be shown in a wheelchair because—well, because. This was rejected until the considerable muscle of lobbyists for the disabled caused the monumental powers to bend to their gale-force insistence. Who in public life wants to be construed as not unequivocally in favor of the good, the true, and the beautiful, as determined by liberal special-interest groups that count the cultural cadence?

(Note to Editor: Insert the standard disclaimer graph here, that the writer and the publication in no manner, fashion, or degree condone discrimination based on ethnic heritage, sexual proclivities, or dietary preferences, and endorse equality of opportunity and full civil rights, etc.)

The architect of the FDR Memorial, Lawrence Halprin, contended that his original design, sans wheelchair, was the more historically correct and honored Roosevelt's desire that his disability not be obvious. Halprin, at the dedication of the wheelchair sculpture, gracefully acceded to the modification—as if he had any choice.

A news report of the ceremony included this: "The people with disabilities in attendance said they did not fault Roosevelt for living by the standards of another time, when disability was a sign of weakness." That was nice of them, though the exculpation illustrates the remarkable condescension usual among those who mangle the past for sake of the transient present.

Their point of view is reminiscent of an observation by Eric Hoffer, the late longshoreman-philosopher: "There is always a chance that he who sets himself up as his brother's keeper will end up by being his jail keeper." Such may seem a harsh judgment on those who designate themselves as "advocates" for the disabled. Their stern righteousness, though, exhibits contempt for perspectives and opinions not their own and in so doing drastically narrows the realm of the permissible, in speech and in action (ask a conservative professor, if you can find one, on any campus).

It is questionable, too, that FDR's debility necessarily would have been construed as "a sign of weakness" by a people that four times elected him to

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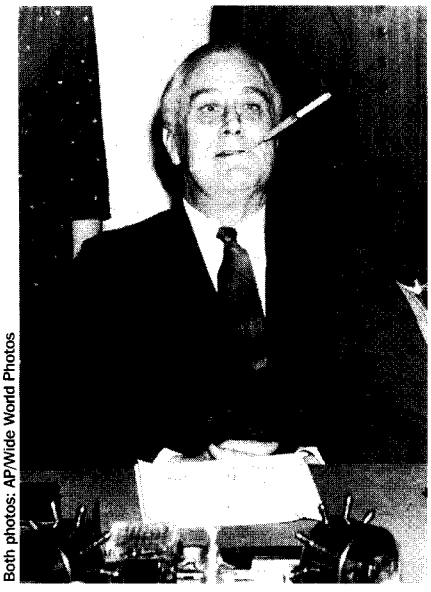

Both photos: AP/Wide World Photos

FDR then . . .

and now

the presidency, during which long and turbulent tenure he rallied the nation's spirit through the Great Depression and World War II. His handicap was hardly a state secret.

The campaign for the addition of the wheelchair was merely the final victory in this dismal revisionism. The partisans of the morals and standards of the moment succeeded earlier in eliminating any portrayal of FDR that would have shown him with the cigarette holder—a trademark of Roosevelt's public persona. Malleable young minds might have deduced that the great man sm---d. Another organization, which mans the barricades on behalf of birds, bunnies, and bees, was able to ensure that Eleanor Roosevelt's furs were banished from the memorial.

Fashionable points of view thrive by means of institutional justification, of course. An editorial in the *Washington Post* did the chore for the FDR modification. The historical objections to the wheelchair might have been decisive, the Olympian opinion averred, "if public monuments were meant primarily to fulfill the wishes of those they memorialize. . . . But as is the case with most such memorials, FDR . . . has been appropriated by later generations for purposes of inspiration."

Another similar expression of presumption came from a granddaughter of FDR. "He would be proud of this memorial," Anna Eleanor Roosevelt was quoted as saying. Besides, "memorials are for us. They aren't necessarily for the people they memorialize."

Say what? Is "to appropriate" anything like "to expropriate," to arrogantly seize what does not belong to one? Such as respect for the past. A casual passerby might have supposed that memorializing heroic individuals was to honor the ideals they championed. This tinkering with the FDR image may seem a small thing, but it diminishes Roosevelt by its very pettiness.

Then in a world-class exercise in oleaginous sentimentality, the *Post*'s editorial concluded: "This is one of the country's better monuments for children. They flip coins into the watery places, touch the statues and clamber over the rocks. It's hard to believe FDR wouldn't see some worth in having this new [wheelchair] statue in place, if only so it can be seen by the ones who can't clamber."

Oh, Maude. Whatever else he was, Franklin Roosevelt was singularly tough-minded. His shade must flinch at such squishiness in his name. (Note to Editor: Better repeat the disclaimer paragraph from above.) ♦

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"A Good Man Yet How Rude-He Sometimes Is"

"Listen to me, boy," the ancient one began.

"And you listen to me, old man," said Rudy Giuliani, "I am not a boy."

"That's right. I'm wrong. In so many ways you are still just a little boy." The old man responded.

Rudy gulped.

"From day one, I wanted you to fill my shoes. It has something to do with similar origins. We're both of Italian descent."

"Okay, okay, so what?" Rudy demanded.

"My boy, when are you going to learn lips are meant for smiling, not just for spitting?"

"Yeah, yeah."

"The first thing friendship ever learned right after it was born, was to count to two," the old man continued.

"So, so what?"

"My boy, it's not likely you will ever be president. I can see you as senator or as a governor."

"Anyway, that's something," replied Rudy Giuliani.

"You're right. It's something. Senator Schumer is maybe only a spring and summer man. Let's see how he handles approaching autumn when hope catches cold right before winter when hope may be frozen stiff. My boy, you're a man for all seasons, if you would, in a manner of speaking, use only a knife and a fork and not just use your fingers."

"What about me and Hillary?" Rudy wanted to know.

"She'll be running for president by then. Sadly for her, she'll be another Amelia Ehrhart. She'll get lost too, searching in vain for the place she'll never find."

"That's what you think, then?"

"Yes, boy. Just you use your energy making friends. Don't waste it making enemies," the old man advised him.

"And about Governor George Pataki?" Rudy wondered.

"You severely wounded him, an extremely attractive human being, when you backed Cuomo for Governor. Beware of a wounded winner," the old man warned Rudy.

"Like that?" Rudy sighed.

"Just like that my boy," the old man replied. "Right now, he's taking grand political piano lessons from the wrong teacher. He taps the wrong keys that play repeatedly the wrong tunes. He uses one finger of his left hand. The right one hangs limply by his side. Pretty soon, his only captured audience will be his family sitting in the parlor of his otherwise empty home. Too bad because, if he'd tap all the keys, he might get a shot or two at jam-packed Carnegie Hall. Take some banjo lessons yourself my boy. But be sure you pluck all the strings."

"Got it, got it!" Rudy assured the old man. "Say, my mom told me not to talk to strangers. Just who are you?" Rudy asked.

"I'm that Fierello fellow, they called me once. I was mayor long ago myself. Up there, I just get younger looking."

"Oh, you're Mayor LaGuardia!" Rudy exclaimed. "I should have known."

"Rudy, my boy, there's a lot more you should know. Start being the best of men. Stop being Peck's bad boy," the old man said to him.

"You made my day. You just said Rudy, my boy. I've got to learn to listen among other things. Right?"

"You've got it right," answered Fierello LaGuardia. "From now on, let plain Rudy be your name and then let winning be your game."

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The Inaugural Invaders

Among the puppetistas

By Matt Labash

January 9 — It is eleven days before George W. Bush's inauguration, and already the protesters are enough to make one nostalgic for 1999. Back then, everyone from the Greens to the anarchists commandeered Seattle streets to protest the World Trade Organization and kick in Starbucks windows. It was a magical time—one that afforded younger journalists the opportunity to cover 1960s-style civil unrest, albeit without the benefit of free love, drugs, or larger social significance.

Since then, Seattle-style protests have spilled over into Washington, D.C. (last April, for an International Monetary Fund meeting), then Philadelphia (in July, for the Republican convention), then Los Angeles (in August, for the Democratic convention), with countless smaller protests in between. After a year of watching activists kidnap headlines, many obeservers are still slightly confused about their demands. The list is endless. They want not only to stop corporate globalization, but to free Mumia, shut down the prison-industrial complex, and unionize Vietnamese blowdart manufacturers. Or something like that.

Today, as we congregate in the crowded, no-frills law offices of the Partnership for Civil Justice in Washington, D.C., journalists are experiencing protest fatigue. We slump on windowsills and sit Indian-style on the floor. One alert cameraman takes a snooze on a lobby couch. We're here for yet another protester press conference. The activists (who are mobilizing by the thousands) love to hold press conferences before their demonstrations—and sometimes even after. In December, five months after the Philadelphia protests, protesters held a press conference at which they reenacted last summer's police raids.

At this press conference, they are exercized over the Bushies' obstructing their access to the inaugural parade route with bleachers. One activist implores the media to "be our guardians, be our watchdogs." But many of us, forced to stand in the lobby outside the overflowing conference room, can't even see him. By now, the lawyers have taken over. But the movement still boasts grass-roots types, like Malik Zulu Shabazz of the New Black Panther Party for Self Defense, who straggles in. Shabazz is surrounded by female New Black Pantherettes in black berets and black coats. Shabazz himself sports a black suit and black tie on a black shirt. In short, the mood is black.

Shabazz has come to promote his Day of Outrage! rally. Though long a local flamethrower fond of anti-Semitic pronouncements, he is clearly tamping down his image. He hands me a business card from his law practice, which wisely drops the "Zulu" moniker, off-putting surely to potential slip-and-fall clients. Shabazz gets a debriefing from another activist, who tells him the rant-of-the-moment is against the local police, who've promised tighter security restrictions than for any past inauguration. "All y'all do is talk police," says Shabazz, displeased. "I don't want to create an atmosphere of hysteria. It's not my focus. I'm gonna roll."

As the Shabazz entourage rolls out the door, the press conference breaks up and I encounter Brian Becker of the International Action Center, founded by former U.S. attorney general and Waco fetishist Ramsey Clark. Radical journalist L.A. Kauffman has identified the IAC as a "front group for the Workers' World party, a four-decade-old socialist organization with some super-creepy politics" (it supported the Soviet invasion of Czechoslovakia). Becker seems perfectly reasonable, saying that his group is protesting the inauguration of Bush the same way it would have protested a Gore inauguration. As matters stand however, the protesters, most of whom seem to be Ralph Nader supporters, think Bush's election was illegitimate. In other words, the protesters are playing this protest under protest.

January 11 — Cover enough protests and you see some pretty strange breeds. Today's is the "elephonkey"—half elephant, half donkey. The beast is actually an activist wearing a big furry head depicting the two "cor-

Matt Labash is a staff writer at The Weekly Standard.

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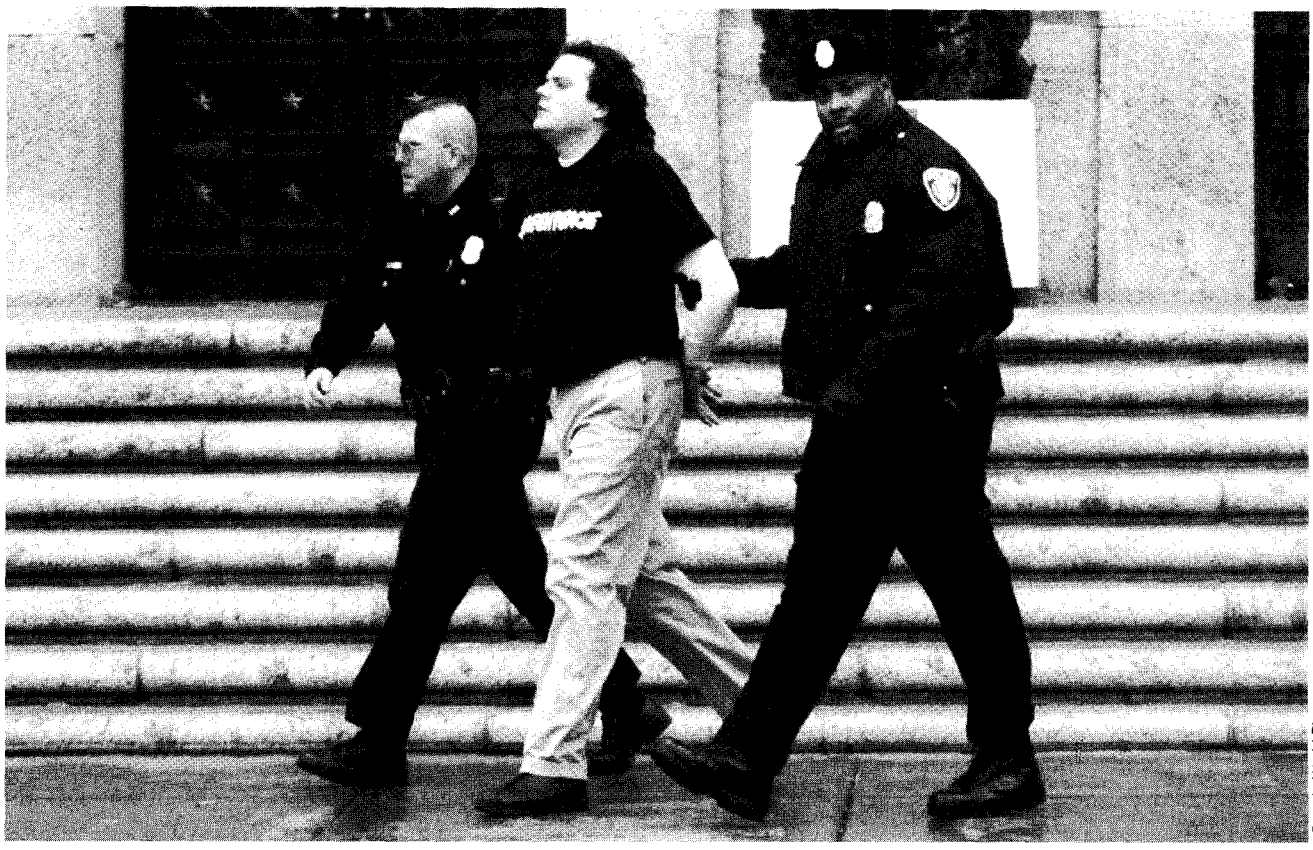

AP/Wide World Photos

I fought the law and the law won: inaugural protester and police

porate parties'" mascots. Pulling the elephonkey's trunk is Daniel Holstein, a Justice Action Movement organizer (JAM is the umbrella coalition for most inaugural activists). In keeping with the "Inaugurauction" theme, Holstein is supposed to be acting the part of a billionaire corporate fat cat. But in a bad three-piece suit, he looks as if he should be selling used Hyundais.

"I don't want any of you to listen to these activists," Holstein says. "They're not even dressed well. They smell like patchouli." The media, seated on metal folding chairs in a church basement in Southeast D.C., meet Holstein's shtick with vacant stares. Most of us would rather be off covering a story with greater heft, like the unveiling of Tian Tian and Mei Xiang, the National Zoo's two new giant pandas.

The protesters, who represent every grievance group from Homes Not Jails to the Coastal Rainforest Coalition, are again carping about the police "creating a climate of fear." They may have a point. A television reporter asks if there's any validity to the chief of police's charge that some activists intend to throw tomatoes at Bush's inaugural limo. "I want to address the Washington Police Department's strange obsession with food as weaponry," says Mara Verheyden-Hilliard, a dour lawyer with the Partnership for Civil Justice. "I ask you to keep in mind that in April when they illegally raided the [activists'] lawful convergence center, they claimed they found the makings of pepper spray, when in fact all they found was the kitchen where they were making gazpacho soup."

In fairness to the police, I had occasion to witness the activists making gazpacho during the Los Angeles protests (secret ingredient: dirty fingernails). All things being equal, I'd take my chances with the pepper spray.

January 13 — The ever-crowded activists' calendar presents all sorts of Solomonic choices. Does one stay indoors to attend the "Stop U.S. Aid to Israel!" meeting? Or does one opt for the fresh air of the "Flowers for Tipper" event outside the Naval Observatory, where protesters are encouraged to send "the rightful first lady" a tasteful bouquet?

Today's choice is easy, as there is only one worthwhile event on the docket: the police brutality teach-in. I take a seat in a balcony pew at Northwest D.C.'s Plymouth Congregational Church. The young activist next to me is eating a pungent legume-like substance out of a plastic baggie. He is so gaunt that I nearly succumb to a fit of compassionate conservatism, seize his Ziplock, and insist on buying him a cheeseburger. But there's no time. The relatives of deceased victims of police brutality, most of whom seem to be represented in unflattering prom pictures, begin taking the stage. One after another, they tell how their blameless kin were cut down by cold-blooded police. The stories are moving—harrowing—and in some

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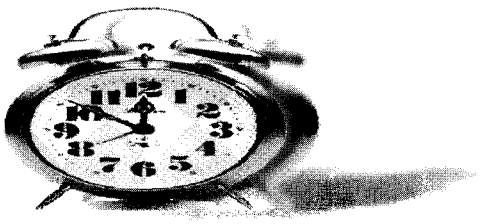
instances probably even true. But they have absolutely nothing to do with Bush's inauguration. In fact, Bush's inauguration seems to have very little influence on the activists' agendas. The IAC's promotional fliers, for instance, tout every far-afield topic from lesbian-gay-bi-transgender liberation to freedom for Leonard Peltier.

After a break for "networking" and refreshments in the church basement, where protesters scarf rice'n'peas, rice'n'milk, rice'n'etc., we reconvene for a "legal rights for protesters" workshop. As we take our seats in a circle, our facilitator, the sourpuss attorney Mara, singles me out and informs the group that I am an outsider from the media, who will likely be asked to leave before they get into legal share-time. Mara ticks through some preliminary comments, and I hope she'll forget my presence, but at the appointed moment, she suggests I leave. Since the activists do everything by the "consensus model," however, she puts this to a vote. My new circle of friends smile at me beatifically. They are perfectly happy for me to stay. At least until Marina, our other (noseringed) facilitator, says if jail solidarity is being discussed, "I would rather him be gone." Like the cops who have bucked up against these activists in the past, I learn a tough lesson: Solidarity is a pisser. Before a new vote can even be taken, I'm ejected into the refreshments room, to ponder whether the rice tamales are any better than the pepper-spray gazpacho.

January 15 — Many people assume the activist life consists of obsessive leafleting, crashing on your friends' couches, and eating bad Indian take-out. Those people would be right. But there is more to it as well. The activist life is a constant cycle of deployment, education, and organization, I learn at the JAM general meeting at the George Washington University Law Center.

As befits a group that must always stay one step ahead of the police, they

"Whether we get "Gushed" or feel we should've gotten "Bored"... there are Still 12 Good Reasons why The Time Is Now!..



No longer can we: 1. Trust our government to do the right thing. 2. Pay corporations to distort the truth. 3. Trust producers of consumer goods not to endanger us, our planet and our children. 4. Deny our knowing pet struggle to specialize. 5. Trust in the practice of medicine to be honest, enlightening and accountable. 6. Trust our elected officials to tell us the truth. 7. Burden the accountable, provide benefits and privileges to the opportunistic and breed dependence. 8. Allow courts of law to operate void of responsible jurisprudence. 9. Freely exercise our right (not privilege) to congregate and worship. 10. Trust parents to be accountable for their children. 11. Trade our children's liberty for financial benefits. 12. No longer are we: "We The People"... but, the time is now!" Still

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post on their website nearly everything they do. Here, one can pick up all sorts of useful protester tips. For instance, only a pro would know the proper aftercare for someone hit with tear gas: "Hydrate! Hydrate! Hydrate! . . . Drink copious amounts of Nettle tea. . . . Support your nervous system with hot oatmeal breakfasts, lavender flower or essential oil and oatmeal baths."

But day to day plans are hashed out at these general meetings. The activists are suited up in traditional tribal garb: Jesus-Christ-Superstar flared trousers, Josey-Wales ponchos, and enough hemp clothing to ensure that if Bush redoubles the war on drugs and causes a marijuana shortage, they'll be able to smoke their shirts in perpetuity. Daniel Holstein, the elephonkey trainer/Hyundai salesman, paces the stage like a discount George Patton, loading the activists with more protest logistics than most special forces units could digest. The protesters, it turns out, are such models of efficiency that facilitator Alix cautions us not to waste valuable planning time with outbreaks of applause. Instead, we are to hold our palms aloft and twinkle our fingers silently in the manner known as "jazz hands."

The activist community is largely self-sustaining, which means a duffel-bag collection plate is passed. The fund-raising spokesperson announces the collection has netted $279, bringing on a wind-churning display of jazz hands. As we break into working groups, I am drawn to Sister Comrade Bork, an anarchist who wears swashbuckling boots from her part-time Renaissance festival stints, and a black bandana over her face. Sister Bork is making noise in the legal working group. She and other anarchists are worried that since JAM organizers are planning merely to protest and not to engage in civil disobedience and get themselves thrown in jail, proper worst-case-scenario legal arrangements have not been made.

In the course of the evening, I've made a point of engaging Sister Bork in small-talk several times. But now, as I approach her working group, she suddenly flashes me with a "Media is a viable target" placard. I ask why the sudden hostility. "I'm media-friendly under circumstances where I don't feel great insecurity," she says. "Do I make you insecure?" I ask, trying to lock on the haunted hazel eyes peeping over her Jesse-James mask. "You look cop-like to me," she replies. I continue to give her media attention, until other activists start getting jealous. Tom Rainey, the chief propaganda officer of BushOnCrack.com, approaches us and pulls the collar of his "Hail to the Thief" T-shirt over his mouth. "Why are you doing that?" I ask. He says, "So you'll interview me."

Nice try Tom, but tonight, I'm with Sister Bork, who, as I get to know her, begins to show her softer side. It's a hard life, she confides—being called bandits, not being able to make a decision without those damn consensus models, having to wear these pesky masks in solidarity with other anarchists. "It's uncomfortable in the summer, it's uncomfortable in the winter," she says. At this, I'm uncertain, but I almost think she wants me to hold her. Either that, or maybe she just needs an encouraging round of jazz hands.

January 16 — In the activist's world, a world of change, the only constant is puppets. The protesters' art space is housed in a decrepit building in Takoma Park, Maryland, that also contains a Chinese laundry. The activists have obscured the windows with wax paper. They've adorned the walls with paranoid admonishments: "Keep front door closed and someone posted. . . . Don't call attention to ourselves. . . . Rock on!!!" All around, the art elves are at work. In the back of the studio, a street theater troupe is stitching caribou outfits for a skit in which Bush, who'll have an oil well atop his crown, will drive the caribou out of the Arctic National Wildlife Refuge. The rest of the shop is strewn with bike-tire rubber, acrylic paint cans, and a puppet pig head which represents corporations or cops or both. (Referring to the police as "pigs," I learn, is an anachronism and a sure-fire way to rouse suspicion among the protesters that you are an undercover cop. Modern activists, says JAM spokesman Adam Eidinger, have taken simply to calling the police "donuts.")

I've come to the art space this evening with the hope of seeing the giant, jug-eared George W. Bush puppet, but am disappointed to learn that Robert, the Bush puppet's guardian, could not fit the papier-mâché hulk onto the metro while carrying his sewing machine. In this protest, unlike others, the activists have decided to decentralize puppet operations and send puppets home each night in a sort of puppet foster care set-up. This is a result of Philadelphia, which in protester lore is synonymous with Wounded Knee. It was there, right before the anti-death penalty march during last year's Republican convention, that after a five-hour standoff the police invaded the puppet warehouse (called the Ministry of Puppetganda). "They went in and arrested 62 puppetistas," says Noah, an 18-year-old puppeteer in a painter's jumpsuit and jester's hat. "They were claiming that the papier-mâché they were using for puppets was quick drying cement that we were going to use for roadblocks." As if that weren't horrifying enough, thuggish donuts then seized and terminated puppets with extreme prejudice. "We lost everything," says Tonya, a 23-year-old, who, when I ask what she does when she's not doing this, says, "I'm kind of always doing this."

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As only those who've known loss can be, these puppetistas are a soulful bunch. I ask them if this whole puppet business isn't a tad silly. No, says a visibly wounded Tonya. "They're very symbolic and very scary. They're scary because they're powerful!" Sometimes, however, they're just plain scary. Witness the giant female pro-choice puppet—who at the moment has blotchy skin and a huge honker—being fashioned by another 23-year-old, Dawn. "I'm just pissed about this whole election," explains Dawn. "And John Ashcroft himself is a scary, f—in' thing. I love that I can come and make a puppet that's just as scary and freaky as that man."

Dawn isn't just about scaring people however. She also uses her puppetry to nurture, as when she entertains sick children with hand puppets down at the children's hospital. It's very difficult to make a living as a puppeteer, Dawn says. But it's getting easier. Because of the highly visible, perpetual protests, she says, everybody "wants a piece of the puppet action." When asked if sock puppets, which have been on the wane since the demise of Shari Lewis and Lambchop, are due for a resurgence, Dawn doesn't bat an eye. "Hell yes," she says. "Everybody has socks. Everybody can make puppets."

Creatively and physically spent, the puppetistas must fortify themselves. Tonya asks if anyone wants to go down the street to a Caribbean place and order "a whole pile of slop for cheap." "Only if the slop is vegan," retorts Dawn. The time has come for us to part (I'm not a big fan of vegan slop). But we'll likely meet again. The inaugural protests will be over in four days. Except that the protests are never really over. Already, protesters are bidding each other adieu with "See you in Quebec," where in April they will attempt to shut down the meeting of hemispheric leaders planning to launch the Free Trade Area of the Americas.

Of course, we may run into each other before then. I ask Noah if he'll be at the "Flowers for Tipper" event. "Flowers for Tipper? As in the Queen of Censorship?" he asks of the former Parents' Music Resource Center spokeswoman. Noah will not be attending. Anyone who curtails another's right to rock on, he reasons, "probably doesn't like puppets either." ♦

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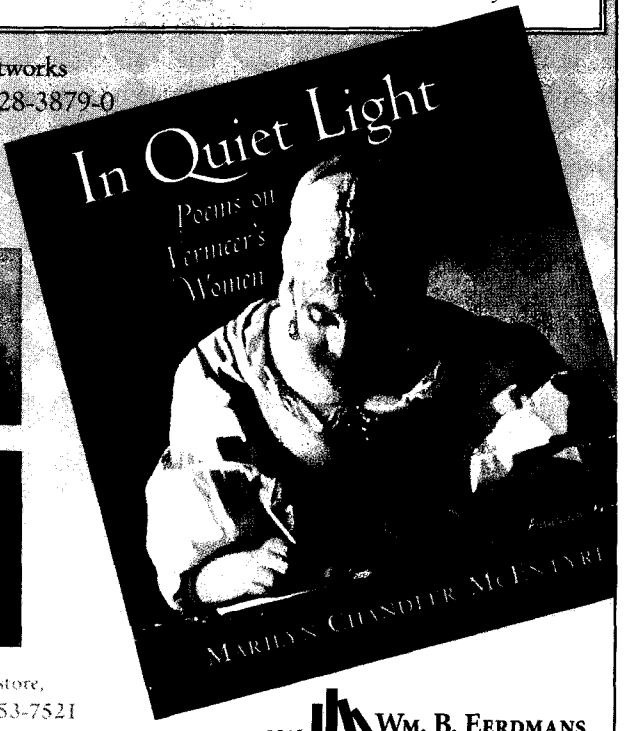

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A Federalism Worth Fighting For

Conservatives should stop getting bogged down in "states' rights."

By Michael S. Greve

Bush cabinet nominees Gale Norton and John Ashcroft are running a humiliating gauntlet, forced to explain that their support for federalism in no way implies an endorsement of slavery or Jim Crow. The demagogic nature of the allegations against two honorable officials, however, should not blind conservatives to the fact that something is fundamentally wrong with their accustomed states' rights defense of federalism.

This problem demands attention. In the coming years, federalism will be the subtext of important political battles over judicial nominations, federal land use policy, education, and quite possibly abortion. A firm defense of a federalism based on competition between states and citizen choice could help conservatives win many of those battles and, moreover, might allow them to discipline a bloated, irresponsible government (at all levels). Conservatives will squander those opportunities, though, with a "states' rights" stance that forces them, time and again, to apologize for the sins of the Confederacy.

It is futile to argue that states' rights are good as a general principle (even if slavery and segregation obviously were not). As Bob Dole learned in his 1996 presidential campaign, nobody mans the political ramparts or even casts a ballot for the Tenth Amendment in the abstract. This attests not to Americans' lamentable ignorance about the Bill of Rights but to their good sense. An abstract principle is worthless (or worse) unless it produces sensible results.

States' rights sentimentality notwithstanding, federalism is *not* about protecting local affections and attachments (which, as France shows, can survive even under a completely nationalized government) or about "devolving" federal administration to supposedly more competent states. Empowered state governments, on top of an effectively omnipotent federal government, are the last thing we need. Rather, the virtues that commend federalism are, first, the virtues of markets—diversity, citizen choice, and state competition; and, second, political transparency, discipline, and responsibility.

Diversity among states enables us to manage our differences—on economic and especially on social issues—in a sensible manner. The regulatory packages offered by Maryland and Virginia differ a great deal, as do those offered by New York and New Jersey. Those differences matter both to citizens and to businesses, which will sort themselves into jurisdictions to their liking.

Competition for productive citizens will discipline state governments just as market competition disciplines private producers. State governments will be more responsible and responsive to citizens' preferences not because they are "closer to the people" (they are as interest-group ridden as the federal government, maybe more so), but because there are 50 of them. Unlike the monopolistic federal government, states will respond to the threat of losing their residents. If you doubt it, imagine how high state sales and income taxes would be if citizens couldn't choose to shop and work elsewhere.

A competitive federalism means, first, that conservatives must stop worrying about "states' rights" and instead start worrying about the federal government's power. So long as that power is taken to be unlimited, Washington will remain free to wipe out diversity and competition among the states, and the Tenth Amendment—which merely reserves to the states or the people all powers not granted to the federal government—will remain empty.

Second, conservatives must stop obsessing over the states' complaints about federal "unfunded mandates" and instead focus on the far larger problem of oppressive federal-state cooperation. State and local governments rarely cooperate with the federal government because

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they are compelled to do so; far more often, they sell their regulatory autonomy, in areas ranging from education to the environment to, more recently, crime control, for a handful of federal dollars. As the Supreme Court has observed on numerous occasions, federal-state cooperation obscures political accountability and responsibility, thus encouraging policy disasters. When things go awry, state and local officials blame federal regulators and a "lack of adequate funding"; federal regulators and legislators blame irresponsible state officials. In a world flattened by cooperative policies, citizens can neither identify the culprits, nor throw them out of office, nor even escape to more hospitable states.

More federal money and less federal regulation—"block grants" and "devolution," in political parlance—provide no cure. Just as much as an unfunded mandate, a funded non-mandate (that is, a block grant) divides responsibility and obscures accountability. The incoming administration has promised to increase federal education funding by some $25 billion and to "block grant" existing and new programs. While that may be a necessary price to pay for the soccer mom vote, a system in which local, state, and federal officials are responsible for everything and nothing will easily absorb a few billion dollars to no net educational effect. Federal reform should disentangle the system—for instance, by sending federal dollars to parents rather than bureaucrats.

For the vast majority of governors and state attorney generals, federalism simply means "send us more money and leave us alone."

Third, conservatives must become attuned to federalism's horizontal, state-to-state dimension. Left to their own devices, the states will attempt to beggar their neighbors—for instance, by seeking to impose tax collection obligations on e-commerce sellers in other states, or by robbing out-of-state corporations in billion-dollar product liability lawsuits brought on behalf of (some) in-state plaintiffs. Given half a chance, the states will attempt to form policy cartels to suppress interstate competition, either with the help of Congress or on their own; witness the multi-state tobacco agreement, which amounts to a $250 billion tax hike that no legislator, state or federal, ever voted on. Regulatory aggression and policy cartels, however, aren't federalism but its antithesis. Conservatives should not be abashed about urging Congress to curb such practices; that is what congressional authority is for.

Fourth, conservatives have to stop looking to state and local officials and their Washington lobbying organizations as federalism's principal defenders. States consistently oppose interstate competition for the same reasons that private corporations seek monopolistic access to customers. "States' rights" rhetoric typically goes hand in hand with calls for federal "cooperation" that crowds out state competition, thus allowing state officials to do a lot of stuff, on behalf of special interests, that would otherwise drive productive citizens and businesses into other states.

Gale Norton's record as Colorado's attorney general, and John Ashcroft's record as a state attorney general, governor, and senator indicate that both nominees understand federalism's logic and attractions; their federalism problem, grossly inflated by their enemies' distortions, lies in using a familiar but unfortunate rhetoric. Among current state leaders, one can find one attorney general (Alabama's Bill Pryor), two governors (Oklahoma's Frank Keating and Virginia's James Gilmore), and perhaps a few others who favor state competition. As for the vast majority, their idea of federalism is "send us more money, and leave us alone." That, in a nutshell, is the federalism agenda of the National Governors' Association.

Some states will be on the right side of *some* federalism issues, and there is considerable mileage in exploiting divisions among the competitive states and their no-good, cartelizing, "fund-me" cousins. But federalism is too important to be left to the states. Conservatives must identify, issue by issue, the *political* constituencies that have a stake in a more competitive and diverse politics—school choice advocates and home schoolers on education; gun owners and civil libertarians on crime control; segments of the business community on Internet privacy and e-commerce; property rights advocates and, again, sectors of the business community on environmental and land use issues.

For historical and substantive reasons, it will prove difficult to extricate federalism altogether from the states' rights legacy. But the task is not hopeless. Most citizens believe, correctly, that Washington does not care about their vote; most yawn, justifiably, when Beltway campaign-finance reformers promise to put citizens ahead of PACs. Increasingly mobile and educated citizens will care, however, about a government that responds when they vote with their feet—and about a federalism agenda that protects and enhances their right so to vote. Citizens have figured out that markets work, while Washington doesn't. They will go with what works—if they are offered a federalism of competition and choice, not a states' rights echo. ♦

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Tired of Fuzzy, Feel-Good Catholic Journalism ?

There was a curious exchange in the Nov. 28, 1999 *Our Sunday Visitor* (*OSV*) between letter-writer Jack Ferguson and M. Francis Mannion, who's been writing the Q&A feature in *OSV*. Ferguson complained that certain of Mannion's answers are "fuzzy." Indeed! For example, Mannion said that "God...may be referred to as 'she'.... However....God is normatively understood and spoken of as 'Father'.... There is a question of proper balance...." Balance between what? Between feminism and Revelation?

Ferguson asked Mannion, "Why can't you give it to us straight...?" Ferguson concluded with this indictment: "You are too afraid to offend people" (which could be said of *OSV* generally). Mannion answered that he is indeed afraid to offend people, "appropriately afraid," adding that "I avoid the practice whenever I can, not thinking it a virtue." Mannion went on to say that he tries to give "subtle" and "balanced" answers to questions, which "often creates a 'both/and' rather than an 'either/or' approach to issues." Mannion concluded by saying that if he wrote in the no-nonsense manner Ferguson was urging, "My mother...would slap me...."

Obviously, Mannion's mother is *not afraid to offend people*: A slap in the face is quite offensive. Nothing fuzzy about her! And, in an ironic way, she's onto something that applies directly to Catholic journalism. The Church is deeply divided between the orthodox and the dissenters — the situation *is* "either/or." In this context, fuzzy Catholic publications such as *OSV* and many diocesan papers which try to please everyone will ultimately please no one. Moreover, if Catholic periodicals avoid offending anyone, they will likely not inspire or energize anyone either. Which is why feel-good Catholic journalism is in decline.

St. Peter noted that the Gospel is inherently a "rock of offense" (1 Pet. 2:8). Indeed, inoffensive writing about the Faith could have dire consequences, for Christ our Lord warned "the lukewarm" (the fuzzy?) that He would spew them out of His mouth (Rev. 3:16). That sounds worse than a slap in the face from dear old mom!

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Hut! Hut! Hollywood!

By Brian Murray

Archive Photos. All other photos: The Everett Collection.

Football, for better or worse, is America's dominant spectator sport. In much of the country—certainly throughout the South and Midwest—it inspires a frenzied devotion that baseball, with its loose pace and long summer season, never achieves.

In fact, football dominates because it is *not* a summer game. It's always been a school sport, supported and largely financed by the American educational system. As a result, for countless Americans, football is tied up with the fresh days of adolescence and early adulthood. They've kept happy memories of its robust pageantry—the silly cheers, the smuggled flask, the marching band blaring through the theme from *Rocky* one more time.

But nostalgia can't explain the sustained power and prestige of professional football, nor the fact that the National Football League's title game bears all the trappings of a national holiday. Twice as many Americans will watch this Sunday's Super Bowl as watched the World Series and professional basketball's finals combined. Decades from now, historians will almost certainly point to the rise of the NFL as one of the most striking aspects of American social life in the second half of the twentieth century.

And many will identify the singular influence of Pete Rozelle, the league's commissioner from 1960 to 1989. Before the 1960s, pro football was far less popular than the college game. But Rozelle understood business, politics, and—perhaps most important—marketing. Under his direction, the NFL became prosperous, ubiquitous, and, in its way, glamorous. It was thanks to Rozelle, for example, that *Monday Night Football* made its television debut, to

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much skepticism, in 1970. From the start, the show packaged football as an entertainment extravaganza complete with infographics, roving cameras, dancing girls, and blimps. On Mondays, football became a brutal but highly complicated sport requiring squads of analysts like Howard Cosell, who boasted a big vocabulary and a law degree. Professional football wasn't just for jocks anymore.

Inevitably, this new prominence attracted Hollywood's attention. In fact, until the late 1960s and early 1970s, football—unlike both boxing and baseball—was all but ignored by the film industry. With a few exceptions, such as *Knute Rockne: All American* (1940), the sport had been portrayed only in the background of films, most of which were comedies. But suddenly, football came to be seen as a subject intriguing in itself—and an apt vehicle for social commentary.

The coming trend was signaled by the 1968 *Paper Lion*, a more-or-less true story in which Alan Alda portrays the writer George Plimpton in his quixotic attempt to play quarterback for the Detroit Lions. Detroit's bruisers are competitive and tough, willing to goad their teammates or flatten a foe. But they're also gentlemen, and they eventually warm to Plimpton and permit him, however briefly, a place in their ranks.

But the breakthrough really came with *Brian's Song* in 1971, a hugely successful "made for television" movie based on the true story of Brian Piccolo, a reserve halfback for the Chicago Bears. Piccolo was less known for his athletic skills than his wit and drive—as well as his close friendship with his far more gifted teammate, Gale Sayers. *Brian's Song* follows the course of that friendship from the Bears' rookie camp to Piccolo's death from cancer at the age of twenty-six. Because Sayers was black and Piccolo white, *Brian's Song* was widely praised for its attempt to help improve race relations during volatile times.

At least one critic dismissed *Brian's Song* as "treacly," but its leads—James Caan as Piccolo and Billy Dee Williams as Sayers—are remarkably understated in their roles. The film's tone is elegiac, not soppy, and is effectively supported by Michel Legrand's wistful score. There's a kind of elegant simplicity to this low-budget movie, which is sometimes interspersed with actual game footage showing Sayers—one of the game's best running backs—dodging tacklers as he sprints gracefully upfield.

Top: Pat O'Brien and Ronald Reagan in Knute Rockne. *Bottom: James Caan and Billy Dee Williams in* Brian's Song.

In *Brian's Song*, the Bears aid their injured teammates with sensitivity and grace. Similarly, the Bears' legendary coach, George Halas, is shown as a certified tough guy with a heart of gold. But as the 1970s progressed, movies increasingly portrayed professional football as a senselessly brutal game where all the stuff that Pop Warner taught—like good sportsmanship and clean living—counts for nothing. In *Semi-Tough* (1978), for example, players, coaches, and owners are all targets of mockery. Based loosely on a 1972 novel by Dan Jenkins, *Semi-Tough* focuses mainly on Billy Clyde Puckett (Burt Reynolds) and Shake Tiller (Kris Kristofferson), teammates on an NFL-like squad contending for the league title. But that fact seems almost superfluous; for this team, playing well is far less crucial than partying hard.

Directed by Michael Ritchie, *Semi-Tough* aimed to deflate professional football. Early in the film, a pompous book editor urges Puckett to write a tell-all account of his professional career: "We want the real truth: what drugs the players take, how games are really fixed, the influence of the mafia." (In fact, during the 1970s, the real-life vogue for such sports memoirs had just begun, touched off by *Ball Four*, Jim Bouton's controversial account of life in professional baseball.)

The comic *Semi-Tough* suggests that pro football is a gigantic joke. Its players are free-floating narcissists, its coaches flakes. The team's owner partakes daily in "mov-a-genics," a therapeutic program requiring him to scuttle around the floor to realign himself with gravity. Shake Tiller's own guru is Friedrich Bismark (Bert Convey), a domineering self-help specialist who reminds his disciples that "life is a shell game without the shell," and "where you are is where it's at."

Semi-Tough is only semi-serious about football; its real satirical target is 1970s psychobabble. (Bismark, for example, owes something to Werner Erhard, founder of *EST*.) The 1979 *North Dallas Forty*, however, offers a far darker look at the game. Pro football, the film suggests, exploits and destroys its players and offers nothing of redeeming social value. *North Dallas Forty* is based on a 1973 novel by Peter

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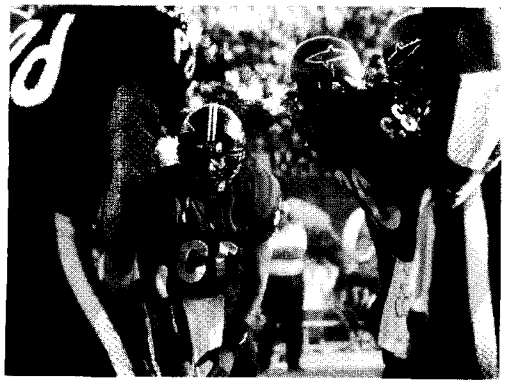

Top: The sideline in North Dallas Forty.
Middle: The huddle in Any Given Sunday.
Bottom: The endzone in Semi-Tough.

Gent, a wide receiver for the Dallas Cowboys between 1964 and 1969 who encouraged the impression that his story was drawn from experience. "If you ever entertained any fantasies about America's autumnal rite's being good clean fun," wrote one reviewer, "this movie should set you straight."

Semi-Tough suggests lightheartedly that drugs and sex are the cornerstones of life for most players; *North Dallas Forty* makes the same point repeatedly and far more ominously. For receiver Phillip Elliott (Nicke Nolte) and his teammates, including quarterback Seth Maxwell (Mac Davis), life is one long frat party interrupted by practice sessions and weekly games. Elliott, however, is more reflective as he nears the end of a career. His back hurts, his arms hurt, his legs hurt; in the mornings he can scarcely move. "My nose is busted," he laments at one point, "I can't even breathe through it. I can barely stand up. I haven't slept more than three hours at a stretch for over two years."

Still, Elliott persists, pushed by his coaches and afraid of the lull of anonymity that awaits him when his playing days are through. Elliott can play because, like most of his teammates, he's awash with painkillers and stimulants doled out by the team's trainers; as Maxwell cynically notes, it's simply a matter of "better football through chemistry." When a younger player says that he'll never take codeine, Novacain, and all the rest, the aging receiver scoffs, "You last long enough, and you'll realize that the only way to survive is the pills and the shots."

This bleak Hollywood view has descended to other levels of the game. Occasionally, films like 1993's *Rudy* or last year's *Remember the Titans* still offer admiring portraits of players and coaches. But films like *All the Right Moves* (1983), *The Program* (1993), and *Varsity Blues* (1999) spread the cynicism of *North Dallas Forty* from professional football to the high school and college game, suggesting that the values and ideals extolled back in *Knute Rockne: All American* are as dead as leather helmets and the Packer sweep.

In *Rockne* (which memorably featured Ronald Reagan as the legendary halfback, George Gipp), Notre Dame's most famous coach is idealized as a warm but demanding teacher who insisted that, at the end of the day, football recognizes that "the finest work of man is building the character of man." At Notre Dame, "we've tried to build courage, initiative, tolerance, and persistence, without which the most educated brain is not worth very much." *Varsity Blues* offers, instead, Coach Bud Kilmer, a cool sadist who cares only about burnishing his image in the annals of Texas football. Kilmer demeans and intimidates his players and, like his counterparts in *North Dallas Forty*, eases their access to performance-enhancing drugs. *Varsity Blues* has proved popular with students, perhaps because they find in Kilmer a satisfying portrait of every jerk coach and gym teacher they've ever known. But more discriminating viewers will find the film—part *Porky's*, part *Dawson's Creek*—an unwatchable parade of cinematic clichés.

In some ways, Oliver Stone's *Any Given Sunday* (1999) is similarly trite. Football films of recent vintage are filled with shots of savage hits and grunting linemen, tension-breaking cuts to cheerleaders showing plenty of cleavage, and locker-room glimpses of naked guys snapping towels. Stone's film features all of these, as well as a continuous stream of self-consciously arty shots, as if Stone hoped to distract us from his well-weathered plot and stock characters: the crazed linebacker, the crusty coach, the aging quarterback,

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and the brash kid eager to take his place. Stone also gives us a corrupt, drug-dispensing team doctor and an arrogant owner for whom football players are livestock. And finally, there's the dramatic, season-closing big game.

Never a subtle filmmaker, Stone contends that professional football bears striking similarities to ancient Rome's gladiatorial games. For Stone, team owners are imperious and crass, happy to provide the hordes with a bloody spectacle that can leave its combatants paralyzed or—as the film's most gruesome scene suggests—without an eye. Players, too, are an insipid and ruthless lot, driven mainly by a malignant lust for money and fame. Twenty years have passed since the release of *North Dallas Forty*, but Stone leaves the impression that nothing has changed.

Still, *Any Given Sunday* is probably the best football movie yet made, carried by its predictable but still somehow compelling plot and the deft casting of Al Pacino as head coach Tony D'Amato. Pacino plays a man who cut his teeth some thirty years ago, back when Starr and Unitas and Hornung still played and Vince Lombardi roamed the sidelines. D'Amato isn't completely out of touch. He accepts the fact that his players, weaned on hip-hop and heavy metal, prefer to dress off field like Barbary pirates; the day has long passed when a coach like Lombardi could order his players to act "like the most dignified professional in your hometown." But D'Amato believes in football's old-fashioned, Lombardian fundamentals: solid teamwork, granite linemen, strict discipline, and a running game with all the subtlety of a Sherman tank.

Stone depicts D'Amato without irony and with considerable sympathy. Indeed, although in such films as *Nixon* and *JFK* Stone made himself famous for attacking American institutions, he has also shown a certain fondness for characters who exhibit time-honored American values. Like Carl Fox, the resolute airline mechanic who emerges as a hero in Stone's *Wall Street*, D'Amato instinctively disdains hype and flash; he seals deals with his handshake, treasures loyalty, and believes a man is only as good as his word. Stone rewards D'Amato, leaving him triumphant in the end, a flawed but fundamentally solid figure still willing to press on in a sport sullied by corruption and excess.

What's next for professional football? Given current trends, it might look increasingly like the XFL, a new professional league that debuts on NBC in early February. The XFL is the brainchild of wrestling impresario Vince McMahon, who argues that the NFL isn't violent enough—despite the endless stream of injuries, the epidemic concussions and blown knees. From the sound of it, McMahon's eight-team league will stress aggression, melodrama, and theatricality; its televised games will be *Monday Night Football* meets *Survivor* meets *Mad Max*. Thus the XFL will feature, among other things, "*Playboy*-caliber cheerleaders" and the commentary of Minnesota's governor, the honorable ex-wrestler Jesse Ventura.

Unlike the NFL, it will permit mikes and cameras everywhere: in the locker room as well as on the field. Needless to say, the XFL will encourage its players to talk trash and cavort as they wish. It will, however, eliminate the fair catch and the point-after kick and set up a time clock to make the action go faster. The XFL, like McMahon's World Wrestling Federation, is aimed at television's most coveted viewers, eighteen- to twenty-four-year-old males. And what they supposedly want, the XFL is set to deliver: violence, speed, and sexy cheerleaders.

The XFL is no sure thing. Other NFL rivals have come and gone. But McMahon has made a fortune estimating public taste. If the XFL does succeed, the NFL will be compelled to follow suit. And then it's Lombardi be damned. On any given Sunday, the National Football League will look like the World Wrestling Federation: a Playstation game designed by P.T. Barnum. ♦

Elizabeth Anscombe

Philosophy in the twentieth century.

BY RALPH MCINERNY

On January 5, the British philosopher G.E.M. Anscombe died in England at the age of eighty-one. Elizabeth Anscombe, as she was known, was a leading member of what, in retrospect, proves to have been a marvelous regiment of women—the antidote to the antic male irrationality of twentieth-century analytic philosophy. Along with Iris Murdoch, Philippa Foot, and Mary Warnock, Anscombe had a schoolmarmish way of calling male philosophers to order. "Does Oxford Moral Philosophy Corrupt Youth?" she asked in one of her early papers, and in her classic 1958 essay "Modern Moral Philosophy" she pointed out what had gone wrong in the entire British utilitarian and analytic tradition of ethics—opening the door to the return of virtue ethics in the writings of subsequent philosophers like Alasdair MacIntyre and theologians like Stanley Hauerwas.

But Anscombe differed even from her female contemporaries. She became a Roman Catholic when she was an undergraduate, and she married the Catholic philosopher Peter Geach. She retained her maiden name for philosophical purposes and was always professionally referred to as "Miss Anscombe"—even by her husband, with whom, in the midst of her writing, editing, teaching, and lecturing, she had seven children.

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After finishing at Oxford and marrying, Anscombe did her graduate work at Cambridge and became a favorite of Ludwig Wittgenstein, the transplanted Austrian who was one of the two most influential philosophers of our time. She was named one of his literary executors and had a hand in the posthumous publication of a shelf of Wittgenstein's writings in the decades following his death in 1951, editing and translating from the German.

Philosophy took what is called a "linguistic turn" with Wittgenstein. Once upon a time, language was understood to express thinking and thinking to express the world. But this classical triad of word-thought-thing has not fared well in the course of modern philosophy. Descartes severed thought from world, and Wittgenstein, completing the dissection, severed thought from language. Wittgenstein's rejection of a world of thinking as counterpart to language led him into an aphoristic and enigmatic quest. Is language all there is? Are "to be" and "to be spoken" identical? Wittgenstein's rejection of any private language and insistence on the social context within which we learn and speak liberated analytic philosophy from several dogmas. The inchoate, unfinished, aphoristic nature of his writings makes them subject to a wide variety of interpretations, but Anscombe may be said to have privileged access to his mind.

And yet, though her editorial work proved her laudable piety toward a revered master, Anscombe was not, in fact, a close follower of Wittgenstein. She retained her own quirky and sometimes abrasive philosophical outlook—with a well-deserved reputation as leonine in controversy. It was not simply that she did not suffer fools gladly, fools suffered when they tried to dispute her. Eventually, she was named professor at Cambridge. Her 1957 book *Intention* might have seemed merely a recovery of a defensible conception of practical thinking, where the intention with which we act gives intelligibility to the components of our action. But Anscombe found in the role of intention a corrective to the passive understanding of knowledge that had dominated British philosophy.

Another bugbear of British philosophy, made canonical by G.E. Moore's *Principia Ethica* in 1903, was the "fact-value" dichotomy—the claim, which by the 1950s was being drummed into college students across England and America, that facts somehow come to us value free, that values are something we add to otherwise morally neutral facts. Geach's crucial article "Good and Evil" made the obvious (to non-philosophers) point that the appraisal of something as good has to do with what it is and not merely with our approval. Anscombe's "Modern Moral Philosophy" argued that propositions about what we ought to do can perform their characteristic function only by dependence on divine commands.

The London Times

University of Notre Dame archives

Top: Elizabeth Anscombe in England. Below: Anscombe receiving an honorary degree from Notre Dame in 1987.

Despite the two charmingly simple pamphlets she wrote for the Catholic Truth Society (one on teaching one's children about the Eucharist, the other an argument that contraception is immoral), she was never popularly counted among G.K. Chesterton, Evelyn Waugh, Graham Greene—the glorious parade of twentieth-century British converts to Catholicism. That was largely because of the demanding technicality of her philosophical work. For all that, she was a ferociously serious, loyal, and vocal Catholic. What the preconciliar British converts had in common was the anguish they felt at the apparent dismantling of the Church after Vatican II. But dissenting Catholics received no aid or comfort from Elizabeth Anscombe.

Neither, interestingly, did feminists. Anscombe never thought of herself as a woman philosopher. She and the other first-rate women of her generation achieved prominence in the same context as male philosophers and were judged by the same criteria. It is curious that now, when a feminist philosophy promoting women has become a dominant genre, there are no women philosophers of the caliber of Anscombe and her contemporaries. This is not to say that Anscombe did not exhibit perforce feminine traits. The matter-of-factness of the feminine mind, in her case enhanced by motherhood, cut through the bogus mysticism into which male philosophers, particularly Germanic ones, are prone to fall.

Once after a conference in Milwaukee, I saw Peter and Elizabeth come out of the lecture hall into a light rain. They had neither raincoats nor umbrellas. They hesitated a moment and then sauntered off, hand in hand, a shapeless, loving couple, bumping against each other. From prudent shelter I watched them go, their laughter echoing back in the rain. It is the image I retain of them still. There is no one left like her. ♦

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Shades of Gray

John Gray's liberal criticism of liberalism.

BY DAMON LINKER

Politics is a contest between rival parties over what vision of the good will guide our common life. That, at any rate, is what Aristotle believed. Listening to the arguments of politicians today, one finds at least some evidence that he was right: Republicans are convinced that the good of the country requires the encouragement of personal initiative and individual responsibility, while Democrats believe in the goodness of a radically egalitarian society. Even Ralph Nader's ill-fated campaign attacked corporate America not for the sake of mischief, but rather from a conviction that doing so would serve the common good of the nation.

But if our politicians demonstrate Aristotle's acuity, many of those who spend their lives theorizing about politics tell us something different. At least since the publication of John Rawls's *A Theory of Justice* in 1971, mainstream academic political theory has neglected questions of the good. Instead of thinking through the relative truth and error in each partisan view of the good, as Aristotle tried to do, Rawls practiced a form of political theory that was deeply disingenuous—employing philosophical argument to justify the views of left-wing Democrats while claiming political neutrality. No wonder it found favor in the American academy, where the reigning liberal orthodoxy is forever looking to show that its partisan commitments correspond to the moral order of things.

In the years following the publication of *A Theory of Justice*, such thinkers as Charles Taylor and Alasdair MacIntyre scored points against Rawls for his neglect of the good as a topic of philosophical discussion and debate. But Rawls is unrepentant. If anything, his insistence on his own neutrality has grown more strident. In *Political Liberalism* (1993), for instance, he claims that moral *rights* are based on an "overlapping consensus" of citizens with radically different "comprehensive views" of what is morally *good*. Though liberal societies should foster agreement about rights, they must remain impartial about the good. This distinction is what enables Rawls to claim neutrality for himself while defending the most moralistic of political programs.

Two Faces of Liberalism
by John Gray
New Press, 272 pp., $25

John Gray, professor of European thought at the London School of Economics, stands among the most potent critics of the agnostic liberalism of Rawls and his many epigones. In *Enlightenment's Wake* (1995), *Endgames* (1997), and the acclaimed study *Isaiah Berlin* (1996), Gray developed an attack that has now reached a culmination in *Two Faces of Liberalism*. For Gray, Rawls's attempt to find a "rational consensus" produces an anti-political legalism. "When we differ deeply as to the content of the good, an appeal to rights will not help us," Gray writes, for "different views of rights spring from different views of the good." Rawls is able to appeal to supposed agreement on morality only by suppressing the fact that "no contemporary society contains a consensus on fairness that is deep or wide enough to ground a 'theory of justice.'"

As Gray sees it, Rawls's "fundamentalist" liberalism is the latest in a long line of theories that have tried, unrealistically, to base politics on a shared view of the best way of life. No such consensus is possible, according to Gray, and liberal political philosophers have proved themselves blind to this fact time and time again. From the comprehensive view of human nature and God on which Locke's doctrine of toleration is based, to the sublime constitutionalism of Kant and the economistic anti-statism of Hayek, liberal thinkers have been more inclined to pursue quasi-theological ambitions than to take sober account of the contours of the human condition. For Gray, Rawls is just the latest figure in this tradition—a theorist whose originality derives largely from his unconvincing claim to have left such pretensions behind.

But liberalism has another face—one that Gray believes is far more responsive to political life. First articulated by Hobbes and Hume, and revived by Michael Oakeshott and Isaiah Berlin, this form of liberalism sees politics as the means by which people with deeply divided views can live with one another. Understood in this way, liberalism is a political theory that recognizes the ineradicable fact of "value pluralism." For the pluralist, argument and debate do not "yield consensus on the good life" so much as perpetual disagreement about the good. Hence a genuinely liberal government must be based on the truth that "the good life comes in many varieties" and thus also on the truth that "the search for a rational consensus on the best way of life" is futile and even politically dangerous. These pluralistic insights lead Gray to propose the ideal of a *modus vivendi*—a truce among irreconcilable views that does not presuppose its own view of the good.

It becomes clear early in *Two Faces of Liberalism* that, despite his spirited criticism of contemporary academic liberalism, Gray's ultimate ambition is to out-Rawls Rawls. The problem, as Gray sees it, is not that Rawls fails to defend his half-hidden vision of the good; it is rather that he has a vision of the good. Like many postmodernists, then, Gray stands against those, like Rawls, who would transform us into moral clones of themselves to further a single view of how we should live. Hitler and Stalin did more damage in pursuit of their

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monistic visions, but for Gray, the underlying impulse is the same for Rawls as it is for Hitler and Stalin.

Modus vivendi liberalism abandons this impulse. As a "political project, not a moral ideal," it does not enforce "any supreme good." It aims merely at "reconciling conflicting goods." Gray's liberalism thus succeeds where Rawls's fails: It is thoroughly neutral with regard to the good. A society organized on the principle of *modus vivendi* is one in which different groups reach an agreement to disagree about the good—and in which such an agreement requires no significant sacrifice or compromise.

Or at least this is what Gray would like us to believe. Political practice, however, gives us reason to doubt it. After all, doesn't every political community hold up certain beliefs, actions, and ways of life and demand that the comprehensive views of its citizens conform to this collective standard? Liberal governments certainly require fewer sacrifices than other political systems, but this is not the same as saying that political systems should strive to attain complete indifference to the good.

What would such a genuinely indifferent politics look like? We get an answer of sorts in the peculiar passages of Gray's book in which he suggests that *modus vivendi* liberalism is so consistently neutral that it won't even defend liberal government against its enemies: "Human rights can be respected in a variety of regimes, liberal and otherwise," so there is no reason to think a liberal democratic order is inherently preferable. Whatever one makes of this strangely sanguine view of illiberal politics, there can be little doubt that Gray is articulating an anti-political view of human social life. Only in theory can political communities afford this kind of indifference to their own good that Gray holds out as an ideal. In the real world of terrorists and death camps, ethnic hatreds and demagogic dictators, such indifference is both careless and morally irresponsible.

Gray himself seems to admit as much when, in a moment of startling inconsistency, he writes that "like any political philosophy, *modus vivendi* articulates [its own] view of the good." When he tries to tell us what that good is, however, he can say only that it is realized by "the application of value-pluralism to political practice." But holding up pluralism as a good makes as much sense as being passionately committed to apathy. Fortunately, other statements in his book—particularly those having to do with religion—reveal that *modus vivendi* liberalism actually presupposes a more substantive (though half-hidden) highest good.

It should come as no surprise that religion is the key to Gray's deepest intentions. From its origins in seventeenth-century Europe, liberalism has always had a problem with piety. For early liberals like Hobbes and Locke, the goods of social peace and economic prosperity are endangered by the irrational enthusiasm of those in possession of divine truth. In its Lockean form, classical liberalism proposes to defuse this danger with the doctrine of toleration, which teaches that people of other faiths have an equal right to worship God as they believe He demands.

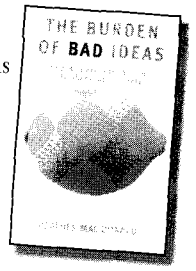
Despite superficial similarities, the difference between the classically liberal notion of toleration and Gray's *modus vivendi* liberalism is profound. Where classical liberalism allows individuals and groups to believe that their faith grants them knowledge of the best way of life (deviations from which are merely tolerated), pluralism teaches that, strictly speaking, there is no best way of life. It teaches that the religious person's life is, as Gray puts it, based on an "illusion."

But why does Gray think liberalism needs to go beyond toleration, when pluralism appears to issue in a rather intolerant dismissal of religion? The answer is that, in the end, the good to which Gray is committed demands it. As he writes at a particularly revealing moment, he intends his liberalism to insure that different ways of life are "accorded respect." And respect cannot be guaranteed by mere toleration. Hence, unlike the classical liberals who could be satisfied with toleration because they wished only to secure the

Old problems, new approaches

HEATHER MAC DONALD

The Burden of Bad Ideas



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MYRON MAGNET, EDITOR

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MYRON MAGNET, EDITOR

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good of peaceful coexistence, Gray is led to pluralism by comparatively higher hopes.

Gray's hostility to a politics that is oriented toward the good thus turns out, after all, to be motivated by a concern for the good of equal respect for all views of the good. But the attempt to realize this good of equal respect ultimately leads him, paradoxically, to disrespect certain goods—namely, religious ones. As we watch the sorry spectacle of one of our most gifted philosophers becoming enmeshed in this bundle of contradictions, we can only hope that the flight to neutrality in political theory is a fad that will soon fade. There is no way to speak about politics without talking about the good. Which is to say, Aristotle was right. ♦

Cheap Quills

The Marquis de Sade does Hollywood.

BY JONATHAN V. LAST

Philip Kaufman came up with an ingenious bit of casting for his latest film, *Quills*, when he selected the dark and handsome twenty-six-year-old Joaquin Phoenix to play an eighteenth-century Frenchman named François Simonet de Coulmier. Of course, in real life, Coulmier was a seventy-two-year-old hunchback dwarf, but why let that stand in the way of a good story?

Coulmier was also a Catholic friar, the caretaker of an insane asylum widely acclaimed for its humane practices. So Kaufman made the movie version of Coulmier a raving necrophiliac whose primary psychiatric technique is cutting out his patients' tongues and joining the even more cruel Dr. Royer-Collard in tormenting the hero of *Quills*, that fine and noble figure, the Marquis de Sade.

So, of course, the accolades have come pouring in. *Quills* won the National Board of Review award for best picture, snagged two Golden Globe nominations, and is pegged as a heavy favorite for the Oscars. Kaufman has been in the spotlight before. He first came to fame by directing the 1978 remake of the sci-fi classic *Invasion of the Body Snatchers*, and, in 1990, he made *Henry & June*, the first movie given the new NC-17 rating for sex.

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Quills begins in the first moments of the French Revolution with the Marquis de Sade (played by a jagged Geoffrey Rush) anachronistically watching the work of the guillotine from his jail cell. After Kaufman shows a young woman being beheaded, we then fast-forward to the time of Sade's imprisonment in the asylum at Charenton, roughly 1803. Napoleon, scandalized by Sade's novel *Justine*, sends Dr. Royer-Collard (Michael Caine) to see that the marquis publishes no more. Arriving at Charenton, Royer-Collard joins forces with the asylum's director, the Abbé Coulmier, to silence Sade's pen. Mayhem ensues. At Charenton the marquis works overtime. He writes plays and naughty stories, to the delight of his chambermaid-girlfriend, Madeleine (Kate Winslet). But he's more bark than bite, a sort of *ancien régime* Larry Flynt. He loves Madeleine so much that they never consummate their relationship. He tells the abbé that he writes dark tales because he has seen firsthand the darkness of which man is capable.

Kaufman, in other words, gives us the Marquis de Sade as a victim of post-traumatic stress syndrome. And the authorities will stop at nothing to repress him. They take away his paper, and he writes on his clothes. They take his clothes, and he dictates to a scribe. So the abbé cuts out his tongue. But the plucky marquis writes by smearing his own feces on the walls. His spirit is indomitable until the final frames, when he chokes to death on the crucifix he has swallowed in defiance.

Does it matter that the real Marquis de Sade was a serial sex criminal who happened to dabble in philosophy? His sexual tastes ran to rape, pedophilia, and blasphemy. A police report in 1763 notes that in the course of raping one Jeanne Testard, "he took down two of the ivory statues of Christ, one of which he trampled underfoot, and upon the other masturbated himself; and, remarking the evident shock and horror shown by the witness, he told her that she had to trample on the crucifix, pointing out to her two pistols on the table and putting his hand upon his sword, ready to draw it from its scabbard, and threatening to run her through." In 1768, a French beggar reported that Sade had tied her down, whipped her, and stabbed her. In 1772, a group of prostitutes in Marseilles were poisoned by Sade. In each case he adhered to a ritual. He would first ask his prey if she believed in God. Then he would threaten death if she did not comply. Then he would move through a methodical set of activities that Neil Schaeffer in *The Marquis de Sade: A Life* calls his "stations of the cross."

In 1774, Sade's wife hired seven or eight young girls as servants. Sade abused, raped, and tortured them. When parents of five of the girls tried to have the police investigate, Sade and his wife locked up the girls to keep them from testifying. One, Nanon, pregnant with Sade's child, was imprisoned for two and a half years, until the marquis was satisfied she would keep quiet. Another, Marie, died of fever while sequestered in one of Sade's châteaux.

To read the writing that followed his crimes is to face a relentless catalogue of blasphemies. His stream of sodomy and religious haranguing is without end. *Justine* and *Juliette* and *The 120 Days of Sodom* are so neurotically ceaseless, they quickly stop being either erotic or shocking. In fact, to find Sade's deepest evil, one must look not to his fiction, but to his philosophy. Nearly a century before Nietzsche declared the

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The Everett Collection

Geoffrey Rush as the Marquis de Sade in Philip Kaufman's Quills

death of God, Sade was shouting it from the rooftops. And with the end of God comes the end of morality. In *Philosophy in the Boudoir*, Sade argues that murder "is a horror, but frequently necessary, never criminal." Incest, he says, "should be the law of every government whose basis is fraternity." He defends rape, as a matter of course. And he concludes with a defense of infanticide: The ancient Greeks, he says admiringly, "did not think it was necessary to build richly endowed charitable institutions to preserve this vile scum of human nature."

It goes without saying that the forces of authority in *Quills* are the true perverts. Coulmier is a repressive hypocrite and, by the end, a torturer and madman. Oppressed by his religious vows of chastity, he turns to necrophilia before going crazy. Royer-Collard is presented in turn as a pedophile who violently rapes his underage wife.

Is it worth mentioning that the greatest obscenity of *Quills* is its slander against these men? The real Coulmier was something of a marvel, one of the first to treat the insane as patients rather than criminals; in his 1806 *A Treatise on Insanity*, Philippe Pinel described him as "a gentleman of great intelligence and of pure and disinterested philanthropy." And he showed Sade far more kindness than he deserved, housing the marquis not in a dungeon cell but a third-floor apartment and encouraging him to write plays, which the inmates performed. They often had dinner together, and Coulmier lent Sade money and looked the other way at his affair with his chambermaid, Magdeleine Leclerc. (Sade's relations with Magdeleine were far from platonic; he kept a detailed account in his journal.)

The real-life Royer-Collard, too, though not friendly to Sade, was no monster. He disapproved of the lenient treatment the marquis received, but he did no more than lobby the French minister of the interior to have Coulmier replaced at Charenton and to cut back on some of Sade's privileges.

So why, you may ask, did Kaufman feel it necessary to indulge such vicious slanders of Coulmier and Royer-Collard? The answer, interestingly enough, is to exonerate Bill Clinton. In an interview in *Sight and Sound* magazine Kaufman admitted, "Certainly Royer-Collard bears some distant resemblance to Ken Starr." Though it raids the eighteenth century for scenery, *Quills* actually exists to further a pair of twentieth-century ideas. The first is that old Hollywood standby of sexual Manicheanism: The proponents of free sex are the enlightened forces of truth and happiness, while the opponents are the repressed forces of darkness and misery. And the second is the equally old Hollywood standby of First Amendment absolutism: Censoring any writing—objecting to any behavior—is the moral equivalent of murder and torture.

"It was during the time of the Clinton-Lewinsky scandal," Kaufman explained to another interviewer, "and for me there were resonances. . . . Those who would repress freedom of speech oppress not only the marquis, but the asylum itself—the asylum being a metaphor for society." And if, to make these hackneyed points, *Quills* has to make a hash of history and a heroic martyr of the Marquis de Sade, well, that's a small price for teaching a lesson to a darkening world that contains such dangerous figures as Kenneth Starr. ♦

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After DNA tests established that he was the father of Karin Stanford's child, Jesse Jackson immediately had lawyers draw up an agreement pledging to support the child in return for the mother's agreement not to speak publicly about his paternity. —*News item*

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BE IT KNOWN,
This agreement is entered into on the ___ day of _____, between the Rev. Jesse Jackson [hereinafter referred to as THE REV. JACKSON] and _____ [hereinafter referred to as THE CHICK] and that,

WHEREAS the attention of the public must be focused on the electoral college instead of carnal knowledge; thinking about Miami-Dade, not Who-He-Laid; and concentrating on the vote count instead of the sperm count;

And WHEREAS the public must worry about how we knock each other down, not how we knock each other up; must focus on the pregnant chad, not the pregnant CHICK; and must stop neglecting the issues and fixating on my issue;

I, THE REV. JACKSON, do hereby acknowledge that our "sweetroll" in the hay has led to a "honeybun" in the oven. Insofar as the Love Bed is no Bed of Roses, I agree forthwith to pay THE CHICK the sum of _____ dollars per month and do further vow to keep my wallet open as long as she keeps her trap shut, knowing that the newspapers, mistaking a phallus for a fallacy, will put someone down if he can still get it up.

And herewith THE REV. JACKSON does further vow, from this day forward, to stay out the bushes. Honest.

_____
THE REV. JACKSON

_____
THE CHICK

Witnessed by:

_____
The President of the United States

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What Jefferson Got Right and Wrong about Napster

Rachel M. McCleary is a research fellow at the Hoover Institution.

Many people believe that the Internet will make intellectual property rights obsolete. Napster is a primary example of why people believe this. The Napster Company distributes free software that allows you to download MP3 music files on-line and listen to them without paying royalties to the creators. Music artists such as Metallica and Dr. Dre accused Napster of illegally trading their songs. **Pro-Napsters argue that sharing the MP3 versions of digital recordings over the Internet is part of the free exchange of ideas.**

Thomas Jefferson would agree with the pro-Napsters. "If nature has made any one thing less susceptible than all others of exclusive property, it is the action of the thinking power called an idea, which an individual may exclusively possess as long as he keeps it to himself but the moment it is divulged, it forces itself into the possession of every one, and the receiver cannot dispossess himself of it." The public expression of an idea, Jefferson held, is no more that of the creator's than it is that of those who acquire it. Others can use (or copy and listen to) the public expression of someone else's idea, even modify it to the point where the originator of the idea becomes irrelevant.

Although Jefferson understood the use of ideas in the public domain, he failed to take into account the costs to the creator of developing an idea for public expression. Jefferson concluded that property rights had a zero effect on innovation, for "it may be observed that the nations which refuse monopolies of inventions are as fruitful as England [who had intellectual property rights] in new and useful devices." In other words, creators who did not earn an income from their labor were just as likely to continue being creative as were those who benefited economically.

Metallica and Dr. Dre claim that they are losing income because of Napster in terms of both collecting royalties from MP3 versions of their recordings and CD sales in record stores. The convention of intellectual property rights in the form of copyrights and patents fosters innovation by establishing a right for the creator to be compensated for his or her labor (costs) associated with developing an idea.

Pro-Napsters argue that the Internet is changing our concept of intellectual property rights. Not only has Internet technology outstripped traditional enforcement capabilities, but it has brought into existence a cyberworld where liberty to use ideas is unrestricted. **Pro-Napsters fail to recognize that intellectual property rights do not *restrict* liberty of use but *restrain* use.**

In a recent agreement with the music conglomerate Bertelsmann AG, Napster will institute a fee for ongoing service. The issue is not about earning an income from one's labor but, rather, how enforcement will keep pace with technological advancements. The very industry that litigated Napster out of business is being forced into developing a fee-based service for on-line file sharing. On this point Jefferson was unequivocal—innovation is integral to the market.

— Rachel M. McCleary

Paid for by the Hoover Institution, Stanford University.

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